



APPLICATION ACCEPTED: January 6, 2012  
PLANNING COMMISSION: May 3, 2012

# County of Fairfax, Virginia

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April 18, 2012

## STAFF REPORT

APPLICATION FDPA 82-P-069-01-16

### SPRINGFIELD DISTRICT

**APPLICANT:** Chick-Fil-A, Inc.

**PRESENT ZONING:** PDC, WS

**ACREAGE:** 1.75 acres

**PARCEL(S):** 45-4 ((11)) 1C

**FAR:** 0.06 (FDPA 82-P-069-01-16 land area)  
0.30 (entire Fair Lakes land area)

**OPEN SPACE:** 37% overall

**PLAN MAP:** Fairfax Center Area: Office/Mix

**RZ PROPOSALS:** This FDPA application seeks to amend the sixth approved Final Development Plan (FDP) associated with RZ 82-P-069 (previously approved for mixed use development) to replace a 5,763 square foot eating establishment (with 160 seats) with a 4,569 square foot fast food restaurant with 142 seats and a drive-through.

### STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 82-P-069-01-16, subject to the development conditions in Appendix 1 of this report.

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William O'Donnell

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirements between for the fast food use and the adjacent residential uses in favor of the treatments depicted on the FDPA.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

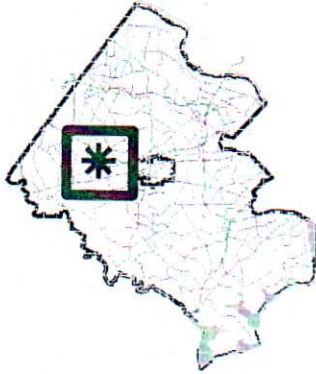
The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors. For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 or TTY 711 (Virginia Relay Center).



# Final Development Plan Amendment

FDP A 82-P-069-01-16



Applicant:

CHICK-FIL-A, INC.

Accepted:

01/06/2012

Proposed:

AMEND FDP 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT FAST FOOD

Area:

1.75 AC OF LAND; DISTRICT - SPRINGFIELD  
ZIP - 22033

Located:

SOUTHWEST QUADRANT OF THE INTERSECTION  
OF FEDERAL SYSTEMS PARK DRIVE AND  
FAIR KNOLL DRIVE

Zoning:

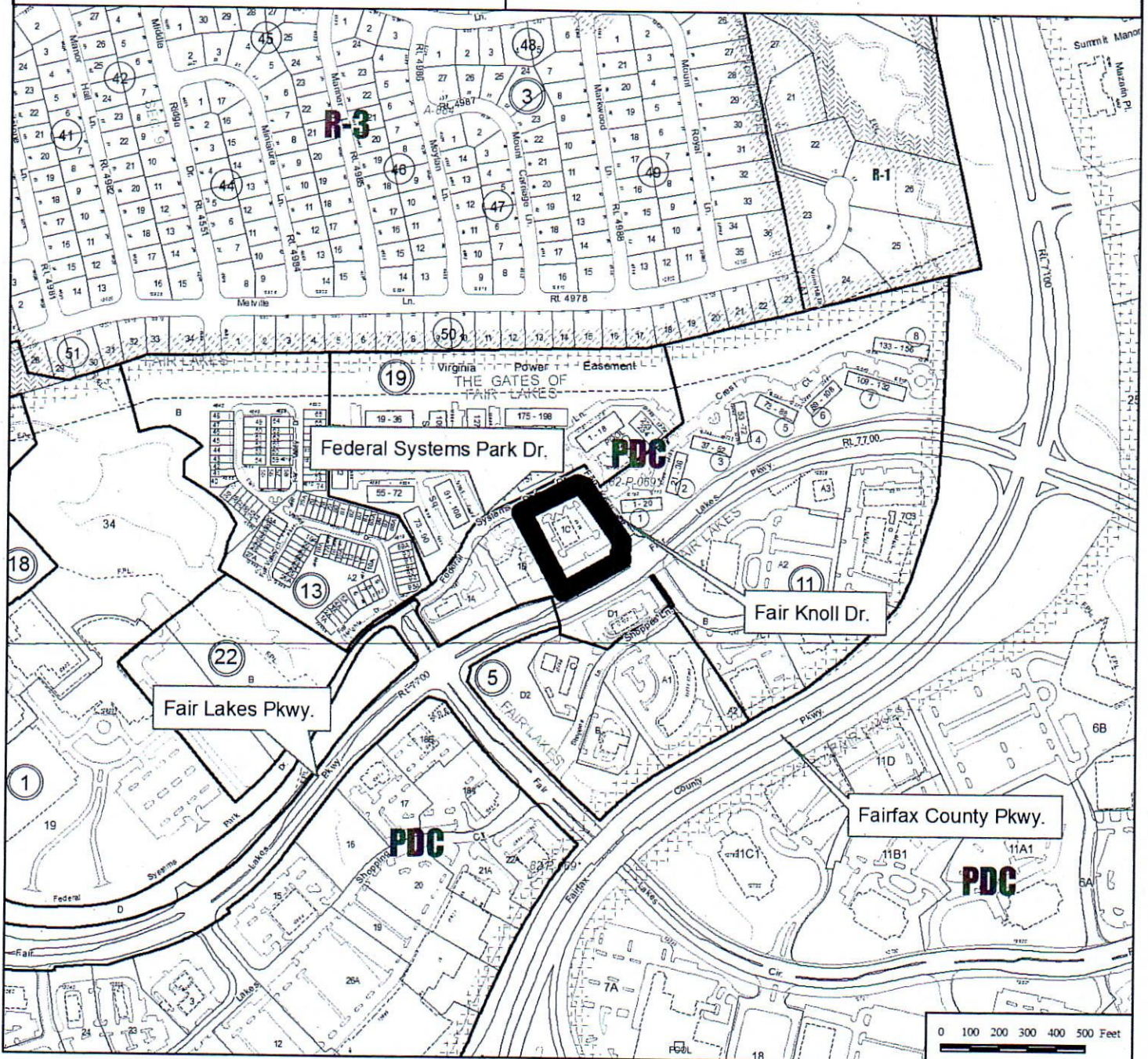
PDC

Overlay Dist:

WS

Map Ref Num:

045-4 /11/ /0001C



# FAIR LAKES LAND BAY 2 FINAL DEVELOPMENT PLAN AMENDMENT (FDPA)

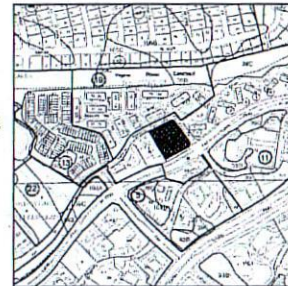
FOR



LOCATION OF SITE  
LOT 3, RESUBDIVISION OF PARCEL 30 F-1  
TAX MAP 045-4-11-001C, D.B. 9953, PG. 1114  
FAIR LAKES, FAIRFAX COUNTY, VIRGINIA



LOCATION MAP  
SCALE: 1" = 2000'  
Copyright 2008, THE COUNTY OF FAIRFAX  
DEPARTMENT OF INFORMATION TECHNOLOGY



SOILS MAP  
SCALE: 1" = 500'  
Copyright 2008, THE COUNTY OF FAIRFAX  
DEPARTMENT OF INFORMATION TECHNOLOGY

OWNER/DEVELOPER

CHICK-FIL-A, INC.  
3100 WILSON AVENUE  
DUBLIN, VA 22029  
CONTACT: DAVID LOGAN  
PHONE: (540) 255-4455

PREPARED BY



**BOHLER**  
ENGINEERING

22630 DAVIS DRIVE, SUITE 200  
STERLING, VIRGINIA 20164  
Phone: (703) 709-9500  
Fax: (703) 709-9501

www.BohlerEngineering.com

CONTACT: DAVID LOGAN, P.E.

## CONTACT INFORMATION

### REFERENCES

\*BOUNDARY & TOPOGRAPHICAL SURVEY  
BY THE COUNTY OF FAIRFAX, VIRGINIA  
RECORD BOOK 100, PAGE 100  
DATED: 10/15/08 (P. 10)

### GOVERNING AGENCIES

- DEPARTMENT OF PLANNING AND ZONING  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 807  
FAIRFAX, VA 22033  
(703) 241-1111
- HEALTH DEPARTMENT  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 807  
FAIRFAX, VA 22033  
(703) 241-1111
- OFFICE OF BUILDING CODE SERVICES  
1000 COMMONWEALTH CENTER PARKWAY, SECOND FLOOR  
FAIRFAX, VA 22033  
(703) 241-1111
- DEPARTMENT OF PUBLIC WORKS AND  
ENVIRONMENTAL SERVICES  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 808  
FAIRFAX, VA 22033  
(703) 241-1111
- JERRY STUMPFEL  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 808  
FAIRFAX, VA 22033  
(703) 241-1111
- TRAFFIC ENGINEERING  
REVENUE  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 807  
FAIRFAX, VA 22033  
(703) 241-1111
- FAIRFAX WATER  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 807  
FAIRFAX, VA 22033  
(703) 241-1111
- FIRE MARSHAL  
JIM JONES  
1000 COMMONWEALTH CENTER PARKWAY, SUITE 807  
FAIRFAX, VA 22033  
(703) 241-1111

### SHEET INDEX

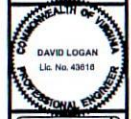
SHEET TITLE	SHEET NUMBER
COVER SHEET	C-0.0
POP-UP BE RESUBDIVISION & RETAIL (FOR INFORMATION ONLY)	C-0.1
NOTES, TABULATIONS AND WAIVERS (FOR INFORMATION ONLY)	C-0.2
EXISTING ESTABLISHMENT FIRST FLOOR RESTAURANT DETAIL CONCEPT PLAN (FOR INFORMATION ONLY)	C-0.3
EXISTING CONDITIONS PLAN EXISTING VEGETATION MAP	C-0.4
PROPOSED SITE PLAN	C-0.5
GENERAL NOTES	C-0.6



Revisions:  
Mark Date By  
1 10/15/08 DGL

Mark Date By  
2 10/15/08 DGL

Mark Date By  
3 10/15/08 DGL



STORE  
Series 08-NR-144-TWIST  
RESUBDIVISION OF  
PARCEL 30 F-1  
FAIR LAKES  
FAIRFAX COUNTY, VA

SHEET TITLE  
COVER  
SHEET

DWG EDITION 02.4

☐ Preliminary  
☐ 80% Submittal  
☐ For Construction

Job No. : 5118508

Store :

Date :

Drawn By : J. GREEN

Checked By : DGL

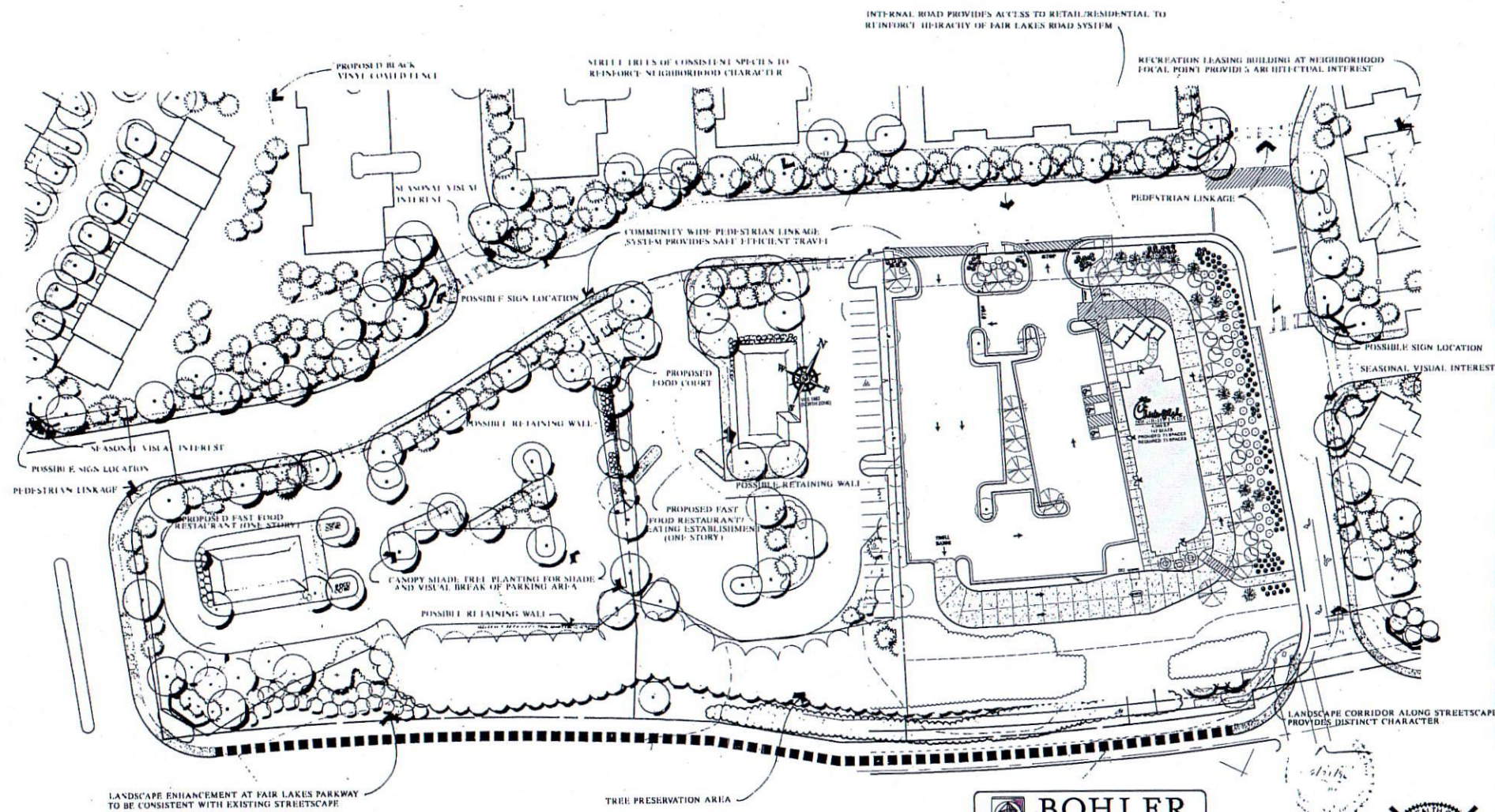
Sheet

C-0.0





REVISIONS	
10/20/95	
DATE: 9/13/95	DES: DMH
SCALE: 1"=30'	
PROJECT/FILE NO. 25061	
SHEET NO.	



**BOHLER ENGINEERING**

CIVIL & CONSULTING ENGINEERS

COMPANY OFFICE: WASHINGTON, DC

PROJECT MANAGERS: ENVIRONMENTAL CONSULTANTS, LANDSCAPE ARCHITECTS

REGISTERED PROFESSIONAL ENGINEERS: ALABAMA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, ILLINOIS, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, UTAH, VERMONT, VIRGINIA, WASHINGTON, WISCONSIN, WYOMING

MAR 23 2012  
 SHEET C-1.2







NOTES:  
1. THERE ARE NO KNOWN GRAVES ON THE SITE.  
2. CURRENTLY THE SITE IS SERVED BY PUBLIC UTILITIES. THESE EXISTING SERVICES WILL BE MODIFIED AS NECESSARY FOR THE PROPOSED LAYOUT WITH THE FINAL SITE PLAN.  
3. STORMWATER MANAGEMENT AND BMP CONTROL S FOR THIS SITE ARE PROVIDED IN THE EXISTING FACILITY SERVING THE T.B.W. FEDERAL SYSTEMS COMPLEX PER PLAN #5271-SP-26. AS SHOWN IN THESE PLANS, THE CONTROL S ARE PRIVATELY OWNED AND MAINTAINED.



**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The applicant, Chick-Fil-A Inc., is requesting to amend a 1.75 acre portion of the first Final Development Plan (FDP) associated with RZ 82-P-069, which was previously approved for mixed use development. The applicant seeks approval to replace an approved 5,763 square foot eating establishment (with 160 seats) with a 4,569 square foot fast food restaurant with 142 seats and a drive-through. Graphic 1 shows the layout of the approved eating establishment.

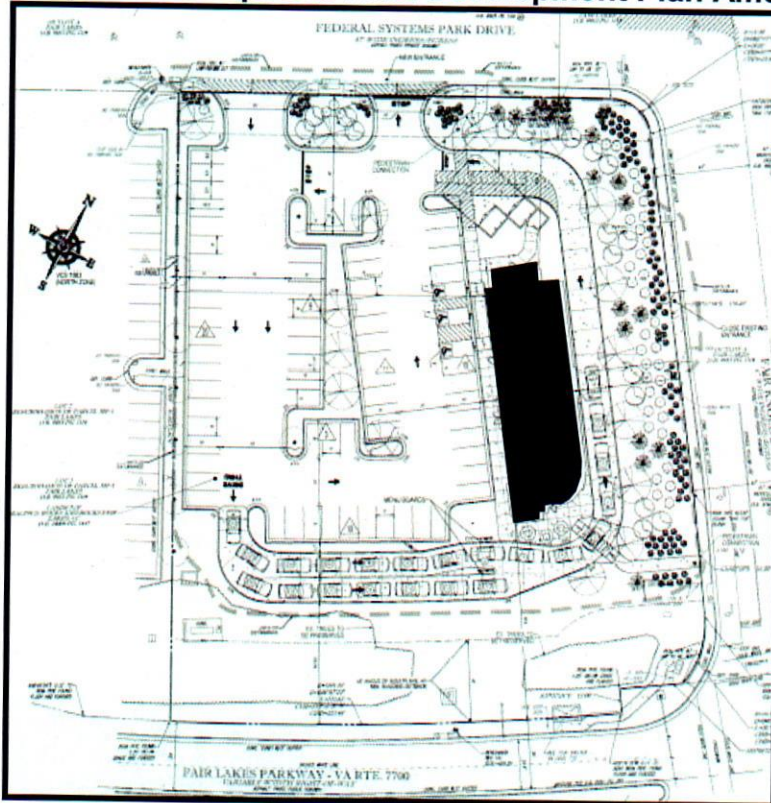
**Graphic 1- Previously Approved Final Development Plan**



As shown on the graphic, the site includes an eating establishment (formerly Malibu Grill), which is currently vacant and contains a 5,763 square foot building, associated surface parking and some parking lot landscaping.

The proposal seeks to replace this building with a smaller one-story, rectangular building containing 4,569 square feet, 142 seats, a drive-through, reconfigured surface parking and additional landscaping along the eastern boundary. Graphic 2 shows this proposed layout.

**Graphic 2 - Proposed Final Development Plan Amendment**



No change to the 0.30 overall FAR for Fair Lakes is proposed. The development conditions, affidavit and statement of justification for the application are contained in Appendices 1 through 3, respectively. A copy of the proposed FDPA is included in the front of this staff report.

## LOCATION AND CHARACTER

### Site Description:

The site is located in the eastern portion of Land Bay II of the 660 acre Fair Lakes mixed use development, which is located in the Fairfax Center Area and in the Water Supply Protection Overlay District (WSPOD). Land Bay II (TRW site) is located north of Fair Lakes Parkway and west of the Fairfax County Parkway. This land bay is bisected by an Environmental Quality Corridor (EQC) (which extends in a generally north to south direction) and developed with approximately 511,000 square feet of office uses west of the EQC (which includes two 7-story office buildings, one 5-story office building and two parking garages). Multifamily dwelling units and three retail buildings are located to the east of the EQC.

The subject property includes one of the retail uses (Malibu Grill), which is currently vacant and contains a 5,763 square foot building with 160 seats, associated surface parking and some parking lot landscaping. Access to the subject property is from Federal Systems Park Drive.

#### Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Multifamily Attached Dwelling Units – Gates of Fair Lakes	PDC	Office/Mix
South	Fair Lakes Shopping Center	PDC	Office/Mix
East	Multifamily Attached Dwelling Units - Fair Lakes	PDC	Office/Mix
West	Office - Fair Lakes	PDC	Office/Mix

## BACKGROUND

The following is selected background information on the subject property. A complete history of zoning cases for Fair Lakes is provided in Appendix 4. A tabulation of the approved uses and square footage to date for Fair Lakes uses was submitted by the applicant and is provided in Appendix 5.

- On October 30, 1995, the Board of Supervisors approved PCA 82-P-069-08, CDPA 82 P-069-6 and SE 95-Y-033, which affected Land Bay 2. These applications amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 sq. ft. of office uses to residential uses, exclusive of affordable dwelling units and to convert 12,000 sq. ft. of office uses to eating establishments and fast food restaurant uses.
- On August 3, 1998, the Board of Supervisors approved PCA 82-P-069-09, and SEA 95-Y-035, which affected Land Bay 2. These applications permitted up to 14,200 sq. ft. of eating establishment/fast food restaurant/personal service establishment uses within Land Bay 2 and permitted a personal service establishment use. Copies of the proffers, development plan and SE conditions are contained in Appendix 6.

## COMPREHENSIVE PLAN PROVISIONS (Appendix 7)

Fairfax County Comprehensive Plan, Area III Volume, 2012 Edition, Fairfax Center Area, as amended through March 6, 2012, under the heading, Land Unit G, beginning on page 61, the Plan states:

"This land unit is planned for office mixed-use with housing as a major secondary land use. Office development that incorporates architectural excellence,

preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that must be achieved to justify the overlay level. Primary office building concentration should be oriented toward I-66 and the Fairfax County Parkway. Residential development should also incorporate high-quality design features including active recreation facilities, open space, and landscaping including street trees, site and building entry landscaping, and screening of community facilities. Impacts on existing residential neighborhoods must be mitigated through buffering and compatible land uses."

## **ANALYSIS**

### **FDPA 82-P-069-1-16 Final Development Plan Amendment (FDPA)** (Copy at front of staff report)

**Title of FDPA:** Fair Lakes Land Bay 2

**Prepared by:** Bohler Engineering

**Original and Revision Dates:** April 10, 2012.

**Description of the Plan:** The FDPA consists of seven sheets; Sheet 1 includes an index.

**The following features are depicted on the FDPA:**

#### ***Site Layout***

The applicant proposes to replace an approved 5,763 square foot eating establishment (with 160 seats) with a 4,569 square foot fast food restaurant with 142 seats and a drive-through, in Land Bay 2 of Fair Lakes. The existing building would be demolished and a new one-story rectangular building would be located on the eastern portion of the property. The drive-through window is proposed to be located on the east side of the new building with a driveway leading to the window located along the south and east sides of the building. Surface parking would be located on the western portion of the site.

#### ***Roads and Access***

No new roads are proposed. Two points of access are proposed to be provided from Federal Systems Park Drive; one would be ingress-only while the other egress-only.

**Parking**

Surface parking is proposed to be located on the western portion of the site. For a fast food restaurant, the Zoning Ordinance requires one parking space per two seats for table and/or counter seating, whether such seating facilities are inside or outside. The applicant proposes to meet the requirement for a fast food restaurant with 142 seats and provide 71 parking spaces on the site. For the drive-through use, the Zoning Ordinance requires eleven spaces for the drive-through window plus a minimum of five spaces designated for the ordering station. Two ordering stations are proposed and 22 stacking spaces are proposed, which would exceed the Zoning Ordinance requirement.

***Pedestrian Access***

Pedestrian access to the proposed fast food restaurant is provided through a series of existing and proposed trails and sidewalks. The applicant proposes to provide an additional sidewalk connection to the existing sidewalks along Federal Systems Drive to the north and Fair Knoll Drive to the east.

***Open Space & Landscaping***

A minimum of 15% percent open space is required for the site; 37% is provided. New landscaping is proposed along the eastern and northern property lines. The landscape plan on Sheet C-2.0 identifies the proposed trees and shrubs that would be planted in these areas. Existing vegetation located along the southern portion of the site is proposed to remain.

***Stormwater Management***

The 1.75 acre application property falls within the Cub Run watershed as well as within the County's Chesapeake Bay watershed. Note 15 on the FDPA indicates that stormwater management for the site is accommodated by an offsite pond built with plan #5727-SP-76.

**Comparison with the Currently Approved CDPA/FDPA**

The approved CDPA/FDPA permitted a 5,763 square foot eating establishment use (with 160 seats) on the subject property with access provided from Federal Systems Drive. While this FDPA proposes site modifications, the applicant's proposal will not negatively impact the approved uses or access points shown on the CDPA. In addition, the proposal will not increase the previously approved gross floor area or increase the approved limits of disturbance on the site.

**Land Use Analysis** (Appendix 7)

The Comprehensive Plan recognizes the existing character of the subject property and the surrounding area as a mixture of residential retail and office uses. The subject property was approved for a restaurant. The proposed use as a fast food restaurant with a drive through will result in a reduction in impervious surface and an increase in landscaping and screening for portions of the property. The applicant is proposing an FAR of 0.068, which is below the maximum FAR recommended by the Comprehensive Plan of 0.25. The applicant has also agreed to certain green building measures, including certification by the United States Green Building Council (USGBC). Staff feels that the proposed development is in conformance with the recommendations of the Comprehensive Plan.

**Environmental Analysis** (Appendix 7)Green Building

No issues were identified. The applicant has agreed to attain LEED certification for the new fast food restaurant through the green building program set forth by the USGBC's LEED-NC practices. As part of this commitment the applicant has agreed to post a green building escrow, to include a LEED-AP in its design team, and to designate one County staff member to its LEED online team, so that staff may monitor the progress of the project. Thus, staff concludes that the applicant's green building commitment is consistent with the green building policy of the Comprehensive Plan.

Tree Preservation

The Urban Forest Management Division of the Department (UFMD) of Public Works and Environmental Services (DPWES) reviewed the application (see Appendix 8) and indicated that a Water Authority easement and storm sewer easement are located in the area of the landscape island that separates the two ingress/egress points, which could restrict planting within this area. Staff recommends a development condition that would replace any landscaping shown on the FDPA in this area with equal quality and quantity elsewhere on the site. Imposition of the development would satisfy staff's concern.

**Fairfax Center Design Guidelines**

In the Fairfax Center Area, a checklist tool assists in evaluating rezoning and proffered condition amendment applications for conformance with the design guidelines in the Comprehensive Plan. The checklist includes transportation, environmental, site design, land use and public facilities elements.

In order to justify development at the Overlay Level consistent with the Fair Lakes development, the application must satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements; and one-half of the applicable major elements. Since the proposed changes described in the analysis merely seek to replace an existing building with a new smaller building without increasing the limits of disturbance on the site, staff feels that the proposal would continue to meet the parameters of the Fairfax Center Design Guidelines that were evaluated in the previous application. The proposed layout includes a new 30 foot tall restaurant building constructed primarily with brick materials along all four sides and a significant increase in landscaping along the eastern property boundary. Review of the Fairfax Center Design Guidelines for the previous application is provided in the original Staff Report for PCA 82-P-069-08, CDPA 82 P-069-6 and SE 95-Y-033 published on January 27, 1995. Copies of the staff report are available in the Department of Planning and Zoning - Zoning Evaluation Division (DPZ-ZED) and on the DPZ-ZED website.

#### **Transportation Analysis (Appendix 9)**

The Fairfax County Department of Transportation (FCDOT) reviewed the application and indicated that the western entrance should be made narrower for one vehicle at a time to enter rather than as shown, which is wide enough for two. The applicant has revised the FDPA to address this concern.

In addition, VDOT reviewed the application (see memo in Appendix 9) and indicated that a sidewalk should be provided along the Fair Lakes Parkway frontage. An existing sheltered bus stop is located to the west of the intersection of Fair Knoll Drive and Fair Lakes Parkway. An existing five foot wide sidewalk is located along the property's frontage on Fair Knoll Drive and terminates at this intersection leaving a gap of an unpaved walkway leading to the bus shelter. The applicant has revised the FDPA to include a sidewalk that would close the gap and connect to the bus shelter. With this revision, staff feels that this issue is resolved.

#### **Fairfax County Park Authority**

No issues were identified.

#### **Stormwater Analysis**

No issues were identified.

**Public Facilities Analysis**

Public facilities were reviewed with the previous rezoning application and were determined to be adequate. No substantive changes to public facilities are proposed with this FDPA.

**ZONING ORDINANCE PROVISIONS (See Appendix 10)****Conformance with the Approved Proffers and CDP/FDP**

Par. 1 of Sect. 16-402 of the Zoning Ordinance requires that all Final Development Plans be prepared in accordance with the approved Conceptual Development Plan and any conditions as may have been adopted by the Board of Supervisors. The approved CDP is a general plan for the original Fair Lakes development, which designates areas for residential, commercial and mixed use developments. The proposal to replace an approved 5,763 square foot eating establishment (with 160 seats) with a 4,569 square foot fast food restaurant with 142 seats and a drive-through in Land Bay 2 of Fair Lakes is in conformance with the approved CDP/FDP and proffers approved in conjunction with the original rezoning. Minor modifications to the FDP are permitted per the approved proffers and the previous commitments to the maximum FAR, schools, tree preservation, trails and transportation improvements would not be impacted.

**Conformance with PDC District Regulations****Article 6**

Article 6 of the Zoning Ordinance sets forth the requirements for permitted principal and secondary uses, use limitations, lot size requirements, bulk regulations and open space requirements. The district regulations are designed to ensure high quality standards in the layout, design and construction of commercial developments, and to implement the stated purpose and intent of the Ordinance. Staff believes that these provisions will continue to be satisfied with the proposed minor site modifications.

**Article 16, Sect. 16-101 and 16-102**

*All planned developments must meet the general standards specified in Section 16-101 of the Zoning Ordinance.*

General Standard 1 requires substantial conformance with the Comprehensive Plan. As previously discussed, the Plan recommends office mixed-use at or up to 0.25 FAR with excellence in architecture, landscaping preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that

must be achieved to justify the overlay level. The proposed FDPA does not present a substantial change from the approved plan. There is no increase in the previously approved gross floor area for the subject property or increase in the approved limits of disturbance on the site. Staff believes the proposed modifications will enhance vehicular circulation and improve the landscaping along the eastern portion of the property facing multifamily residential buildings. In staff's opinion, this standard has been met.

General Standard 2 requires that the design of the proposed planned development result in a more efficient use of the land and in a higher quality site design than could be achieved in a conventional district. The site is currently zoned PDC and was approved for an eating establishment with 160 seats. The proposal merely seeks to replace the eating establishment with a fast food restaurant with 142 seats and a drive through. In staff's opinion, the proposed layout reduces the size of the building, commits to a building design made of primarily brick materials on all four sides and provides a significant increase in the landscaping on the site. Staff feels that this standard has been met.

General Standard 3 requires that the design of the proposed development protect and preserve the natural features on the site. The applicant has provided 41% of the site as open space. This open space includes tree preservation on the south side of the property and a 35 foot wide strip of land along the eastern boundary for additional landscaping, which was not provided with the previously approved eating establishment. In staff's opinion, this standard has been met.

General Standard 4 requires that the proposed development prevent substantial injury to the use and value of the existing surrounding development. The proposal is located in the center of Fair Lakes, within an existing office development and adjacent to retail and residential uses. Staff believes that the proposed site modifications represent an improvement from the previously approved plan. In staff's opinion, this standard has been met.

General Standard 5 requires that the planned development be located in an area where transportation, police, fire protection and other public facilities are available and adequate for the proposed use. The site is adequately served by all public utilities and facilities. This standard has been met.

General Standard 6 requires that the planned development coordinate linkages among internal facilities and services as well as connections to major external facilities. As previously discussed, no new roads are proposed. Two points of access are proposed to be provided from Federal Systems Park Drive; one would be ingress-only while the other egress-only. Pedestrian access to the proposed fast food restaurant is provided through a series of existing and proposed trails and sidewalks. The applicant proposes to provide an additional sidewalk connection to the existing sidewalks along Federal Systems Drive to the north and Fair Knoll Drive to the east. This standard has been met.

*All planned developments must meet the design standards specified in Section 16-102 of the Zoning Ordinance.*

Par. 1 states that, at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally be in conformance with the provisions of the most comparable conventional district. In this application, the 4,569 square foot fast food restaurant with 142 seats and a drive-through are proposed to be located within a larger area previously approved for mixed use development in the PDC district, which at the time of approval, met the bulk regulations, and landscaping and screening requirements for the PDC District. The current proposal merely replaces an approved eating establishment located in the middle of the larger development with a fast food restaurant. This standard has been satisfied.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application includes 37% open space, which exceeds the open space requirement of 15% for the PDC District. In addition, the Zoning Ordinance requires 70 parking spaces for the 142 seat fast food restaurant and 11 stacking spaces for the drive-through window. The applicant proposes to meet the parking and exceed the drive-through stacking requirements. All other applicable Zoning Ordinance provisions have been satisfied.

Par. 3 states that street systems should be designed to generally conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. No new roads are proposed. Pedestrian access to the proposal is provided through a series of existing and proposed trails. This standard has been satisfied.

#### **Waivers/Modifications:**

Modification of transitional screening and barrier requirements for the fast food restaurant to the adjacent residential uses in favor of the treatments depicted on the FDPA.

The applicant proposes to replace an approved 5,763 square foot eating establishment (with 160 seats) with a 4,569 square foot fast food restaurant with 142 seats and a drive-through adjacent to multifamily residential buildings located to the north and east. The Zoning Ordinance requires Transitional Screening II (consisting of an unbroken strip of open space a minimum of 35 feet in width) and six foot tall barriers consisting of brick, wood or chain link materials to the north and east. The applicant has requested a modification of these requirements in favor of the 35 foot wide landscaping area provided along the eastern boundary and the 26 foot wide landscaping areas provided along the northern boundary. Staff supports this request because the proposed landscaping would be a significant improvement from the existing conditions, which provided no screening.

**Overlay District Requirements****Water Supply Protection (WSPOD) (Sect. 7-808)**

The Water Supply Protection Overlay District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff for the proposed use. Both stormwater management and best management practices are proposed to be provided by the existing Fair Lakes system; the adequacy of these measures will be determined at the time of site plan review.

**CONCLUSIONS AND RECOMMENDATIONS****Staff Conclusions**

The applicant proposes to amend the previously approved zoning case on the application property to replace an approved 5,763 square foot eating establishment (with 160 seats) with a 4,569 square foot fast food restaurant with 142 seats and a drive-through. No change to the approved limits of disturbance on the site is proposed. It is staff's evaluation that the proposed development is in harmony with the use and intensity recommendations of the Comprehensive Plan, with the design guidance of the Fairfax Center Area and with the applicable Zoning Ordinance requirements.

**Staff Recommendations**

Staff recommends approval of FDPA 82-P-069-01-16, subject to the development conditions in Appendix 1 of this report.

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirements between for the fast food use and the adjacent residential uses in favor of the treatments depicted on the FDPA.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors. For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 or TTY 711 (Virginia Relay Center).

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Fair Lakes Zoning Case History
5. Fair Lakes Land Use Zoning Tabulations
6. PCA 82-P-069-09 and SEA 95-Y-035, proffers, plans and development conditions
7. Plan Citations, Land Use and Environmental Analysis
8. Urban Forest Management Division Analysis
9. Transportation Analysis
10. Zoning Ordinance Provisions
11. Glossary of Terms

**FINAL DEVELOPMENT  
PLAN AMENDMENT CONDITIONS**

**FDPA 82-P-069-01-16**

**April 18, 2012**

If it is the intent of the Planning Commission to approve FDPA 82-P-069-01-16 for site modifications to an approved commercial development located at Tax Map 45-4 ((11)) 1C, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions for the subject property:

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Fair Lakes Land Bay 2" prepared by Dewberry & Davis LLC, consisting of seven sheets dated April 10, 2012.
2. Signage shall be in conformance with the Fair Lakes Comprehensive Sign Plan, as may be amended.
3. Landscaping shall be provided in substantial conformance with the concepts shown on the FDPA as determined and approved by Urban Forest Management Division (UFMD). Any tree or shrub determined to impact existing utility easements or sight distance shall be replaced with an appropriate size or relocated elsewhere on the site with equal size and quality, as determined by UFMD.
4. Parking spaces shall meet the provisions of Article 11 of the Zoning Ordinance and the geometric design standards in the Public Facilities Manual, as determined by Department of Public Works and Environmental Services (DPWES), prior to issuance of a Non-Residential Use Permit (Non-Rup).
5. The maximum number of seats for the fast food restaurant with a drive-through shall be determined by DPWES during site plan review based on the number of parking spaces shown on the FDPA. Seats may be reduced or added in compliance with the parking regulations for fast food restaurants with a drive-through outlined in Article 11 of the Zoning ordinance, provided that the width of the landscaped buffers shown on the FDPA are not reduced.
6. The maximum hours of operation for the fast food restaurant and drive-through window shall be limited to 6:00 a.m. to 11 p.m. daily.
7. The hours of trash pick-up and deliveries shall be limited to between the hours of 9:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday.

8. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
9. In order to minimize the adverse impact of cooking odors on the adjacent residences, all food preparation facilities shall utilize a ventilation system equipped with filters which are regularly maintained.
10. The applicant/operator shall not allow the discharge of air contaminants generated by the restaurants or their solid waste which cause reasonable objectionable odors to the nearby residences and shall employ, but not limited to, the following control measures:
  - a. All putrescible material as defined by the Fairfax County Code Section 109-1-1, shall be stored in sealed containers which are reserved exclusively for use by the restaurant. Such putrescible material shall not be shredded or unsealed.
  - b. All putrescible materials shall be removed by a commercial refuse hauler from the subject property a minimum of twice a week.

These regulations shall be in addition to any other performance standard regulations, ordinances or restrictions provided by law.

11. The decibel level of the speaker phone for the drive-through window shall measure no more than 45 decibels at the property lines abutting residential units.
12. The fast food restaurant owner/operator shall be responsible for the daily removal of litter. On a daily basis, the vicinity of the fast food restaurant shall be inspected and any loose trash shall be picked up and placed in dumpsters.
13. Trash dumpsters shall be screened on all four sides. The screening enclosure shall consist of masonry on three sides to match the restaurant building, and the fourth side doors shall consist of materials designed to be opaque and fully screen the dumpsters.
14. All four sides of the fast food restaurant building shall be consistent with the elevations provided in Exhibit A.
15. Prior to approval of the site plan, the applicant will execute an agreement and post a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$50,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building

Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years of issuance of the final non-RUP for the building, after sufficient written notice to the Applicant, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant provides to the Environment and Development Review Branch of DPZ, within two years of issuance of the final non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within two years of issuance of the final non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, after sufficient written notice to the Applicant, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

The applicant will include, as part of the site plan submission, a statement certifying that a LEED®-accredited professional who is also a professional engineer or licensed architect is a member of the design team, and that the LEED-accredited professional is working with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification.

The applicant will include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council, that the applicant anticipates attaining. A professional engineer or licensed

architect will provide certification statements at both the time of site plan/subdivision plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain certification of the project.

Prior to approval of non-RUPs, the applicant will provide to the Environment and Development Review Branch of DPZ a letter from a LEED®-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of properties to be rented or leased), that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum:

- provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
- provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
- provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and
- provides contact information that building occupants can use to obtain further guidance on each green building component.

Prior to approval of non-RUPs, the applicant will provide an electronic copy of the manual in pdf format to the Environment and Development Review Branch of the Department of Planning and Zoning.

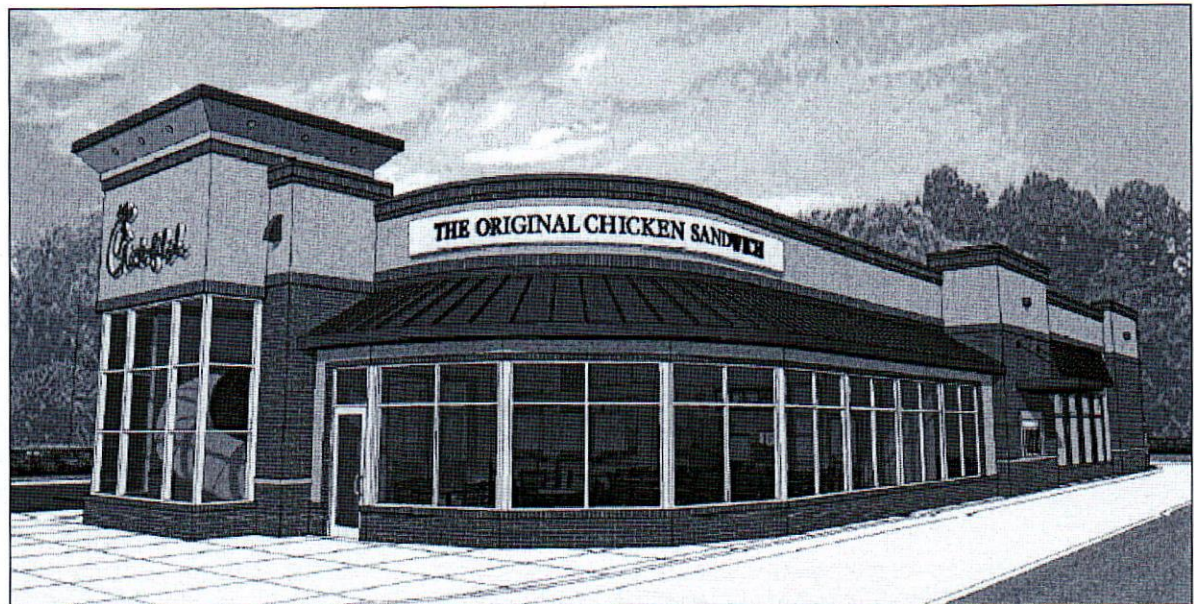
Prior to site plan/subdivision plan approval, the applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by the Planning Commission.

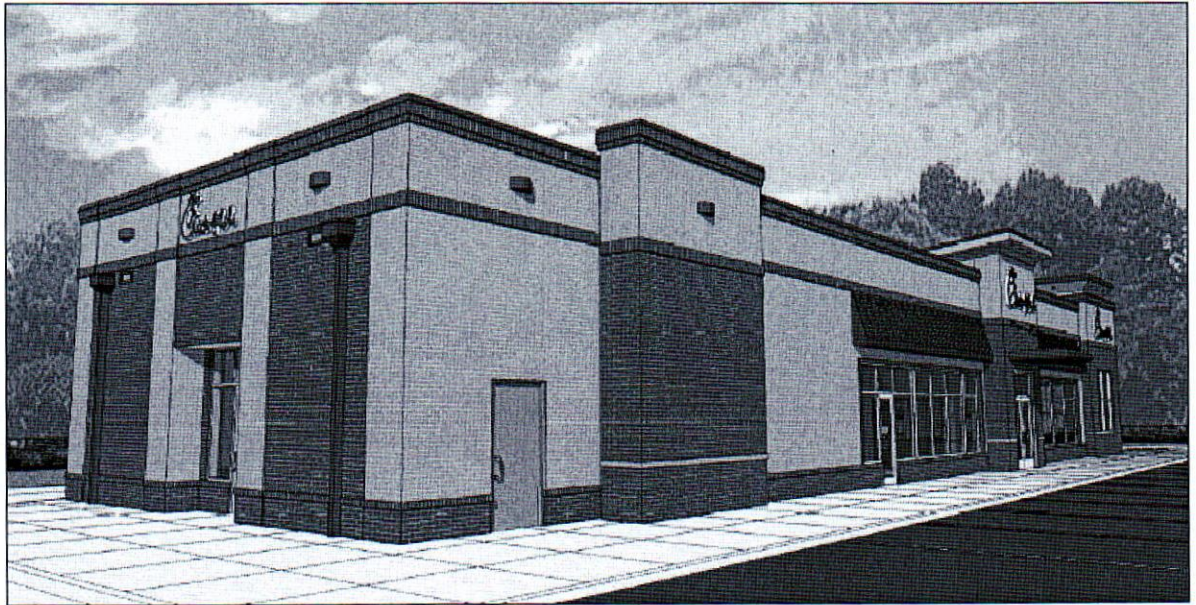
Exhibit A



1 FRONT-LEFT PERSPECTIVE  
NO SCALE



1 FRONT-RIGHT PERSPECTIVE  
NO SCALE



**1 REAR-LEFT PERSPECTIVE**

NOT SCALE

## REZONING AFFIDAVIT

APR 3 2012

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)I, Sheri L. Akin, do hereby state that I am an  
(enter name of applicant or authorized agent)(check one) ☐ applicant  
☒ applicant's authorized agent listed in Par. 1(a) below

114674

in Application No.(s): FDPA 82-P-069-01-16  
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Chick-fil-A, Inc. Agent: Larry Scott Thigpen	5200 Buffington Road Atlanta, GA 30349	Applicant/ Title Owner of Tax Map Number 45-4 ((11)) 1C
Rocks Fair Lakes, LC Agent: S. Randall Cohen	1960 Gallows Road, Suite 300 Vienna, VA 22182	Title Owner of Tax Map Number 45-4 ((11)) 1C (former)
Bohler VA, LLC Agent: Keith G. Simpson	22630 Davis Drive, Suite 200 Sterling, VA 20164	Engineer/Agent

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Rezoning Attachment to Par. 1(a)**

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(check if applicable)

[ ]

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

## REZONING AFFIDAVIT

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number(s))

- 1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

## CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Chick-fil-A, Inc.  
5200 Buffington Road  
Atlanta, GA 30349

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.  
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Dan T. Cathy, Donald M. Cathy, Trudy C. White, S. Truett Cathy Irrevocable Trust U/A dated 5/17/1979  
S. Truett Cathy Charitable Remainder Unitrust U/A dated 12/21/1993 f/b/o WinShape Foundation, Inc. (a GA nonprofit, 501(c)(3) organization)

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

Directors: S. Truett Cathy, Jeannette M. Cathy, Dan T. Cathy, Donald M. Cathy, Trudy C. White

Officers: S. Truett Cathy, Chairman/CEO, Dan T. Cathy, Pres/COO/Asst. Secy, Jeannette M. Cathy, Secy/Treasurer, Donald M. Cathy, SVP, James B. McCabe, SVP/Asst. Secy, Perry A. Ragsdale, SVP, Steve A. Robinson, SVP, Timothy P. Tassopoulos, SVP, Roger E. Blythe, Jr., VP, Jonathan B. Bridges, VP, William F. Faulk, VP, Stephen G. Mason, VP, T. Mark Miller, VP, David G. Salyers, VP, Dee Ann Turner, VP, Erwin C. Reid, VP, Donald A. Perry, VP, Philip A. Barrett, VP, B. Lynn Chastain, VP, Barry V. White, VP,

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.***

**Rezoning Attachment to Par. 1(b)**

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Rocks Fair Lakes, LC  
1960 Gallows Road, Suite 300  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Samuel A. Rocks      The Robin R. Carlough Trust U/A dated 8/17/89 f/b/o Robin R. Carlough  
The NPHR MD Trust U/A dated 1/1/2000 f/b/o Nichoas P.H. Rocks  
The Suzanne R. Gray Trust U/A dated 8/24/93 f/b/o Suzanne R. Gray  
The Chief's Grandchildren Holdings, LLC, a Virginia Limited Liability Company

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bohler VA, LLC  
22630 Davis Drive, Suite 200  
Sterling, VA 20164

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Ludwig H. Bohler  
Adam J. Volanth  
Mark R. Joyce  
Daniel M. Duke

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)The Chief's Grandchildren Holdings, LLC, a Virginia Limited Liability Company  
1960 Gallows Road, Suite 300  
Vienna, VA 22182**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Charoline J. Gray, Harrison R. Gray, Preston D. Gray, Samantha C. Rocks, Emma M. Rocks, Hanna E. Rocks  
 Suzanne R. Gray, Custodian for Reagan Gray under the UTMA Samuel A. Rocks, Custodian for Trevor A. Rocks under the UTMA  
 Michael R.F. Rocks, Trustee of the Michael R.F. Rocks Revocable Trust U/A dated 8/19/08 f/b/o Michael R.F. Rocks  
 Hilary G. Rocks, Trustees of the Hilary G. Rocks Revocable Trust U/A dated 8/19/08 f/b/o Hilary G. Rocks

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Chick-fil-A, Inc. (cont'd)  
5200 Buffington Road  
Atlanta, GA 30349**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

S. Tammy Pearson, VP, John H. McCleskey, VP, Robert P. Dugas, VP, Clifford T. Robinson, VP, David B. Farmer, VP, Michael F. Erbrick, VP, Brent D. Ragsdale, VP

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

## REZONING AFFIDAVIT

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number(s))

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

## PARTNERSHIP INFORMATION

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state and zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

## Equity Partners of McGuireWoods LLP

Adams, John D.  
Alphonso, Gordon R.  
Anderson, Arthur E., II  
Anderson, Mark E.  
Andre-Dumont, Hubert  
Bagley, Terrence M.  
Barger, Brian D.  
Barnum, John W.  
Becker, Scott L.  
Becket, Thomas L.

Beil, Marshall H.  
Belcher, Dennis I.  
Bell, Craig D.  
Beresford, Richard A.  
Bilik, R. E.  
Blank, Jonathan T.  
Boland, J. W.  
Brenner, Irving M.  
Brooks, Edwin E.  
Brose, R. C.

Burk, Eric L.  
Busch, Stephen D.  
Cabaniss, Thomas E.  
Cacheris, Kimberly Q.  
Cairns, Scott S.  
Capwell, Jeffrey R.  
Cason, Alan C.  
Chaffin, Rebecca S.  
Cobb, John H.  
Cogbill, John V., III

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

**Rezoning Attachment to Par. 1(c)**

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

Covington, Peter J.  
Cramer, Robert W.  
Cromwell, Richard J.  
Culbertson, Craig R.  
Cullen, Richard (nmi)  
Cutler, Christopher M.  
Daglio, Michael R.  
De Ridder, Patrick A.  
Dickerman, Dorothea W.  
DiMattia, Michael J.  
Dooley, Kathleen H.  
Downing, Scott P.  
Edwards, Elizabeth F.  
Ensing, Donald A.  
Ey, Douglas W., Jr.  
Farrell, Thomas M.  
Feller, Howard (nmi)  
Fennebresque, John C.  
Foley, Douglas M.  
Fox, Charles D., IV  
France, Bonnie M.  
Franklin, Ronald G.  
Fratkin, Bryan A.  
Freedlander, Mark E.  
Freeman, Jeremy D.  
Fuhr, Joy C.  
Gambill, Michael A.

Gibson, Donald J., Jr.  
Glassman, Margaret M.  
Glickson, Scott L.  
Gold, Stephen (nmi)  
Goldstein, Philip (nmi)  
Grant, Richard S.  
Greenberg, Richard T.  
Grieb, John T.  
Harmon, Jonathan P.  
Harmon, T. C.  
Hartsell, David L.  
Hatcher, J. K.  
Hayden, Patrick L.  
Hayes, Dion W.  
Heberton, George H.  
Hedrick, James T., Jr.  
Horne, Patrick T.  
Hosmer, Patricia F.  
Hutson, Benne C.  
Isaf, Fred T.  
Jackson, J. B.  
Jarashow, Richard L.  
Jordan, Hilary P.  
Kanazawa, Sidney K.  
Kannensohn, Kimberly J.  
Katsantonis, Joanne (nmi)  
Kerr, James Y., II

Kilpatrick, Gregory R.  
King, Donald E.  
King, Sally D.  
Kittrell, Steven D.  
Kobayashi, Naho (nmi)  
Kratz, Timothy H.  
Krueger, Kurt J.  
Kutrow, Bradley R.  
La Fratta, Mark J.  
Lias-Booker, Ava E.  
Lieberman, Richard E.  
Little, Nancy R.  
Long, William M.  
Manning, Amy B.  
Marianes, William B.  
Marks, Robert G.  
Marshall, Gary S.  
Marshall, Harrison L., Jr.  
Marsico, Leonard J.  
Martin, Cecil E., III  
Martin, George K.  
Martinez, Peter W.  
Mason, Richard J.  
Mathews, Eugene E., III  
Mayberry, William C.  
McCallum, Steven C.  
McDonald, John G.

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a  
"Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)McElligott, James P.  
McFarland, Robert W.  
McIntyre, Charles W.  
McLean, J. D.  
McRill, Emery B.  
Moldovan, Victor L.  
Muckenfuss, Robert A.  
Muir, Arthur B.  
Murphy, Sean F.  
Natarajan, Rajsekhar (nmi)  
Neale, James F.  
Nesbit, Christopher S.  
Nickens, Jacks C.  
O'Grady, Clive R.  
O'Grady, John B.  
O'Hare, James P.  
Oakey, David N.  
Oostdyk, Scott C.  
Padgett, John D.  
Parker, Brian K.  
Phears, H. W.  
Phillips, Michael R.  
Plotkin, Robert S.  
Pryor, Robert H.  
Pusateri, David P.  
Rak, Jonathan P.Rakison, Robert B.  
Reid, Joseph K., III  
Richardson, David L.  
Riegle, Gregory A.  
Riley, James B., Jr.  
Riopelle, Brian C.  
Roberts, Manley W.  
Robinson, Stephen W.  
Rogers, Marvin L.  
Rohman, Thomas P.  
Rosen, Gregg M.  
Rust, Dana L.  
Satterwhite, Rodney A.  
Scheurer, P. C.  
Schewel, Michael J.  
Schill, Gilbert E., Jr.  
Schmidt, Gordon W.  
Sellers, Jane W.  
Shelley, Patrick M.  
Simmons, L. D., II  
Simmons, Robert W.  
Skinner, Halcyon E.  
Slone, Daniel K.  
Spahn, Thomas E.  
Spitz, Joel H.  
Stallings, Thomas J.Steen, Bruce M.  
Stein, Marta A.  
Stone, Jacquelyn E.  
Swan, David I.  
Tackley, Michael O.  
Tarry, Samuel L., Jr.  
Thornhill, James A.  
Van der Mersch, Xavier G.  
Vaughn, Scott P.  
Vick, Howard C., Jr.  
Viola, Richard W.  
Wade, H. L., Jr.  
Walker, John T., IV  
Walker, W. K., Jr.  
Walsh, James H.  
Watts, Stephen H., II  
Westwood, Scott E.  
Whelpley, David B., Jr.  
White, H. R., III  
White, Walter H., Jr.  
Wilburn, John D.  
Williams, Steven R.  
Wren, Elizabeth G.  
Young, Kevin J.(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a  
"Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: APR 3 2012

(enter date affidavit is notarized)

for Application No. (s): FDPA 82-P-069-01-16

(enter County-assigned application number (s))

114674

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

S. Truett Cathy Irrevocable Trust U/A dated 5/17/1979  
5200 Buffington Road  
Atlanta, GA 30349

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

Beneficiaries:

Andrew T. Cathy  
Daniel R. Cathy  
Samuel M. Cathy  
James D. Cathy  
Rachel M. Cathy  
Seth M. Cathy  
Joseph L. Cathy  
Joy W. Wilbanks  
John W. White IV  
Angela W. Fielder  
David E. White  
with one minor child

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a  
"Rezoning Attachment to Par. 1(c)" form.

## REZONING AFFIDAVIT

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

## REZONING AFFIDAVIT

DATE: APR 3 2012  
(enter date affidavit is notarized)

114674

for Application No. (s): FDPA 82-P-069-01-16  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

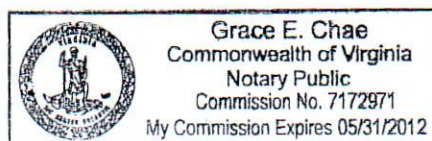
Sheri L. Akin, Land Use Planner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of April, 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae  
Notary Public

My commission expires: 5/31/2012



## STATEMENT OF JUSTIFICATION

## Final Development Plan Amendment

Chick-fil-A, Inc.  
4516 Fair Knoll Drive  
Tax Map No. 45-4-((11))-1C

October 31, 2011

**Introduction**

Pursuant to Section 16-402 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Chick-fil-A, Inc. ("Applicant"), as the contract property owner, hereby requests approval of a Final Development Plan Amendment to permit construction of a 4,569 square foot fast food restaurant with drive-thru. The property is located at Tax Map Reference Number 45-4-((11))-1C (the "Property"), which is located within Land Bay IIA of the Fair Lakes Development.

The Property contains approximately 1.75 acres and is currently zoned PDC. The surrounding area is also zoned PDC. Properties to the north and east are developed with multifamily residential units, and the properties to the west and south are developed with commercial uses.

Land Bay IIA was originally rezoned as part of the Fair Lakes Development and has been the subject of numerous amendments. The site is currently subject to proffers dated October 18, 1995, approved by the Board of Supervisors on October 30, 1995, pursuant to PCA 82-P-069-8 and CDPA 82-P-06-6. According to the governing proffers, the Land Bay may be developed with up to 12,000 square feet of eating establishments or fast food restaurants.

**Overview of Application:**

The property is currently developed with a 5,673 square foot eating establishment known as the Malibu Grill. The Applicant intends to replace the existing eating establishment with a 4,569 square foot Chick-fil-A fast food restaurant with drive-thru. Under this proposal, the total building square footage would decrease by 1,104 square feet. In addition, the Applicant is proposing to increase the width of the northern and eastern landscaped buffers in order to provide more adequate screening between the residential and commercial areas of the Land Bay. As a result, the Applicant will be able to increase open space to 41% and tree cover to 27.9%.

The new fast food restaurant will replace an existing eating establishment with similar transportation impacts. As such, the surrounding area will experience little, if any, transportation changes. In addition, FCDOT has determined that a 527 Study is not required.

**Conformance with the Comprehensive Plan:**

The subject Property is located in Land Unit G of the Fairfax Center Area planning sector. Land Unit G is planned for office/mixed use. The Applicant's proposed use is consistent with historical uses at the site and overall zoning approvals for the Land Bay. In addition, with the improved landscaped buffers and open space, the Applicant is able to improve not only the aesthetics of the site, but also establish greater mitigation between the commercial and residential portions of the Land Bay. As such, the proposed use will meet the intent of the Plan and will continue to serve the local area.

**Conclusion:**

With approval of this Final Development Plan Amendment, the proposed use will conform to the provisions of all applicable ordinances, regulations, standards, and conditions. Furthermore, the proposed use conforms to the spirit and intent of the Zoning Ordinance and the recommendations of the Comprehensive Plan.

Therefore, for the reasons set forth herein, the Applicant respectfully requests the approval of this application.

Respectfully submitted,

McGUIREWOODS LLP

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a series of loops and a final flourish.

Gregory A. Riegler, Esquire  
Agent for Applicant

\\33742556.1

**Fair Lakes Zoning Case History:**

Application	Date	Related Land Bay	Description
RZ 82-P-069 FDP 82-P-069-01	April 2, 1984		<sup>(1)</sup> Rezoned 620 acres to the PDC District for Fair Lakes. Approved FDP for portions of Land Bay V-A and VI.
FDPA 82-P-069-01-4 FDP 82-P-069-08	July 10, 1986*	V-A	<sup>(2)</sup> Approved minor changes to the parking. Approved a 175,000 square foot office building.
FDP 82-P-069-5	March 6, 1986*	VI-B	<sup>(3)</sup> Approved multi-family use in Land Bay VI-B.
FDP 82-P-069-06	July 24, 1986*	V-B	<sup>(4)</sup> FDP for a portion of Land Bay V-B.
FDPA 82-P-069-06-1 FDP 82-P-069-11 FDPA 82-P-069-01-6 FDPA 82-P-069-08-1	April 9, 1987*	V-B, V-A	<sup>(5)</sup> Modified the development for 37.5 acres of Land Bay V-B. Approved additional principal and secondary uses.
FDP 82-P-069-12 FDPA 82-P-069-06-2	December 10, 1987*	V-B	<sup>(6)</sup> Approved a health club and additional principle and secondary uses on a total of 21.28 acres of land.
FDPA 82-P-069-10	July 16, 1987*	V-A	<sup>(7)</sup> Final development plan amendment to develop three office buildings in Land Bay V-A (Fair Lakes 3, 4, and 5) with associated surface parking.
PCA 82-P-069-03 RZ 86-P-004 CDPA 82-P-069-03	July 20, 1987	V-A, V-B, VII-A, VII-B, VII-C, IV-A, IV-B, IV-C, III-A, and III-B	<sup>(8)</sup> Rezoned and incorporated 37.5 acres into Fair Lakes and modified the mix of non-residential and residential uses.
FDPA 82-P-069-9-1	June 30, 1988*	VII-B	<sup>(9)</sup> Parking and landscape buffer
PCA 82-P-069-04 RZ 86-P-089	July 1, 1988	IV-B, IV-C, IV-D, III-A, III-B, and V-B	<sup>(10)</sup> Land Swap with Fairfax County Government.
FDPA 82-P-069-06-3	September 28, 1988*	V-B	<sup>(11)</sup> Increased the hotel size and maintained an open space/tree area.
PCA 82-P-069-5 CDPA 82-P-069-5  FDP 82-P-069-13	October 2, 1989  September 28, 1989*	IV-A, IV-B, IV-C, and IV-D	<sup>(12)</sup> The PCA reallocated office uses to retail uses for Land Bays IV and VB. The FDP impacted Land Bays IV-A, IV-B and IV-C by permitting the construction of a 750,000 sq. ft. shopping mall known as the "Galleria."
FDPA 82-P-069-6-4 FDPA 82-P-069-11-1	October 18, 1989*	V-B	<sup>(13)</sup> Approved a 262,000 square foot office building.
FDPA 82-P-069-9-2 FDPA 82-P-069-7-2	May 2, 1990*	VII-B	<sup>(14)</sup> Fast Food Restaurant within the Retail Center and Expansion of 5,000 square feet to the Center.
FDPA 82-P-069-13-1 FDP 82-P-069-15	December 5, 1990*	IV-D and IV-C	<sup>(15)</sup> Approved multi-family units for portions of Land Bays IVC and IVD.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-1-8 FDPA 82-P-069-08-2	December 5, 1990*	V-A	<sup>(16)</sup> Approved a modification of the parking. Approved drive-in bank in lieu of parking.
FDPA 82-P-069-1-9	January 9, 1991*	VI-A	<sup>(17)</sup> Approved an 8,000 sq. ft. child care center and site modifications for an existing office building located in Land Bay VI-A.
FDPA 82-P-069-10-2	July 17, 1991*	V-A	<sup>(18)</sup> Final development plan amendment for Land Bay VA to modify parking requirements pursuant to Zoning Ordinance amendments.
FDPA 82-P-069-1-10 FDPA 82-P-069-08-3	July 17, 1991*	V-A	<sup>(19)</sup> Approved an additional 60,000 SF office. Modified the parking area.
PCA 82-P-069-06  FDPA 82-P-069-13-2	October 28, 1991  October 23, 1991*	IV-A, IV-B, IV-C, V-B, VII-A, VII-B and VII-C	<sup>(20)</sup> Increased retail uses and decreased the minimum office for Land Bays IV and V.
FDPA 82-P-069-13-3 FDPA 82-P-069-15-1	April 29, 1992*	IV-A, IV-B and IV-C	<sup>(21)</sup> Approved a replacement of 424,000 SF of office uses with 259,500 SF of retail uses in Land Bay IV-A. A total of 157 multifamily units were also replaced with 111,000 sq. ft. of retail uses in Land Bay IV-C.
SE 92-Y-006	September 14, 1992	IV-B	<sup>(22)</sup> Permitted the establishment of a minimum of 4 fast food restaurants with one drive-through in Land Bay IV-B of the Fair Lakes Retail Center.
SE 92-Y-038	November 16, 1992	IV-B	<sup>(23)</sup> Corrected an advertising error in SE 92-Y-006
FDPA 82-P-069-13-4	May 27, 1993*	IV-B	<sup>(24)</sup> Approved an amendment to the site layout for a 14.3 acre portion of Land Bay IV-B.
SEA 92-Y-038	July 12, 1993	IV-B	<sup>(25)</sup> Amended SE 92-Y-038 to allow 2 freestanding fast food restaurants in Building 5 of the Fair Lakes Retail Center.
FDPA 82-P-069-06-5 FDPA 82-P-069-11-2 FDPA 82-P-069-12-2, FDPA 82-P-069-14-1	May 5, 1994*	V-B	<sup>(26)</sup> Approved the removal of a health club, and added a third office building. Approved a surface parking area.
FDPA 82-P-069-9-4 FDPA 82-P-069-7-5 SE 95-Y-016	July 12, 1995*  September 11, 1995	VII-A, VII-B, and VII-C	<sup>(27)</sup> Freestanding drive-through restaurant on the site with retail shopping center, drive-in bank, service station/quick service food store and carwash

Application	Date	Related Land Bay	Description
PCA 82-P-069-8 CDPA 82-P-069-6 SEA 95-Y-035	October 30, 1995	II (TRW)	<sup>(28)</sup> Amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 SF of office uses to residential uses exclusive of affordable dwelling units and to convert 12,000 SF of office uses to eating establishments and fast food restaurant uses.
FDPA 82-P-069-13-5 FDPA 82-P-069-15-4	October 10, 1996*	IV-A, IV-B, and IV-C	<sup>(29)</sup> Modified the permitted square footage in Land Bays IVA, IVB and IVC.
FDPA 82-P-069-13-6 FDPA 82-P-069-15-5 FDPA 82-P-069-14-2 FDPA 82-P-069-6-6	May 28, 1997*	IV-A, IV-B, IV-C, V-B	<sup>(30)</sup> Modified the retail center in Land Bays IV-A, IV-B, and IV-C and the office and retail development in Land Bay VB3.
FDPA 82-P-069-9-5	July 30, 1997*	VII-B	<sup>(31)</sup> Expanded quick service food store and car wash.
PCA 82-P-069-9 FDPA 82-P-069-2-2 SEA 95-Y-035	August 3, 1998	II (TRW)	<sup>(32)</sup> Amended the accepted proffers and approved conceptual development plan to permit up to 14,200 sq. ft. of eating establishment/fast food restaurant/personal service establishment uses within Land Bay 2 and to permit a personal service establishment use
FDPA 82-P-069-5-1	January 27, 1999*	VI-B	<sup>(33)</sup> Amended the multi-family use in Land Bay VI-B.
PCA 82-P-069-11 FDPA 82-P-069-13-8	July 9, 2001	IV-A and IV-B	<sup>(34)</sup> Converted 50,000 square feet of hotel use to retail uses.
FDPA 82-P-069-13-7	October 24, 2001*	IV-B	<sup>(35)</sup> Approved a retail pad site within Land Bay IVB.
FDPA 82-P-069-10-3	July 21, 2001*	V-A	<sup>(35)</sup> Approved a 6-story 160,000 square foot office building and a 4-story parking structure in a portion of Land Bay V-A.
FDPA 82-P-069-09-7	January 12, 2005*		<sup>(37)</sup> Approved building additions, an increase in parking, and site modifications to the Shops at Fair Lakes.
FDPA 82-P-069-06-7 FDPA 82-P-069-14-4	January 26, 2005*	V-B	<sup>(38)</sup> Removed 220,000 square feet of office and added 22,380 square feet of retail.
FDPA 82-P-069-13-9	February 3, 2005*	IV-B	<sup>(39)</sup> Approved the addition of an accessory service station and surface parking in Land Bay IV-B.
PCA 82-P-069-14 CDPA 82-P-069-07 FDPA 82-P-069-6-8 FDPA 82-P-069-11-3 FDPA 82-P-069-1-13 FDPA 82-P-069-8-4	July 25, 2005 June 2, 2005*	V-A, V-B, VI-A, VII-A, VII-C	<sup>(40)</sup> Approved a reduction in minimum office intensity; approved residential use for a 150,000 square foot multi-family building, an 113,000 square foot office building and a four level parking garage.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-5-2	October 4, 2006	VI-B	<sup>(41)</sup> Amended the multi-family use in Land Bay VI-B to allow a change residential unit type.
FDPA 82-P-069-6-9	March 1, 2007*	V-A	<sup>(42)</sup> Request to amend the FDP 82-P-069-6 previously approved for hotel development to permit building addition and site modifications.
FDPA 82-P-069-6-10 FDPA 82-P-069-11-4 FDPA 82-P-069-12-3	May 2, 2007*	V-B	<sup>(43)</sup> Request to amend the previously approved final development plans to approve additional parking and site modifications.
PCA 82-P-069-15 CDPA 82-P-069-07-01 FDPA 82-P-069-11-5 FDPA 82-P-069-06-11	October 15, 2007  October 4, 2007*	V-A	<sup>(44)</sup> Permitted the construction of 267,000 gross square feet of office development and provided specific proffers related to the proposed office use on Tax Maps 55-2 ((1)) 6B, 8A1, 11A1, & 11B1 in Land Bay V-A. <b><i>(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)</i></b>
PCA 82-P-069-16 CDPA 82-P-069-07-01 FDPA 82-P-069-11-5 FDPA 82-P-069-06-11	October 15, 2007  October 4, 2007*	V-B	<sup>(45)</sup> Permitted the construction of 213,000 gross square feet of office development (including 113,000 square feet of previously approved office use) and provided specific proffers related to the proposed office use on Tax Map 55-2 ((1)) 9A in Land Bay V-B. <b><i>(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)</i></b>
PCA 82-P-069-17 CDPA 82-P-069-03-03 FDPA 82-P-069-08-05	October 15, 2007  October 4, 2007*	V-A	<sup>(46)</sup> Permitted the construction of 300,000 gross square feet of residential development (maximum 350 dwelling units), expanded an existing parking garage, and provided specific proffers related to the proposed residential use on Tax Map 55-2 ((1)) 6A, 8A1 pt., and 8A2 in Land Bay V-A. <b><i>(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)</i></b>

Application	Date	Related Land Bay	Description
PCA 82-P-069-18 CDPA 82-P-069-05-1 FDPA 82-P-069-13-10	October 15, 2007  October 4, 2007*	IV-A	<sup>(47)</sup> Permitted the construction of 125,000 gross square feet of retail use and 112,000 gross square feet of office use, and provided specific proffers for the proposed uses On Tax Maps 55-2 ((4)) 12, 16, 19 and 26A in Land Bay IV-A. <b><i>(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)</i></b>
PCA 82-P-069-19, CDPA 82-P-069-03-02 FDPA 82-P-069-09-08	October 15, 2007  October 4, 2007*	VII-B	<sup>(48)</sup> Permitted the construction of 110,000 gross square feet of hotel and support retail uses, and provided specific proffers for the proposed uses on Tax Maps 55-2 ((5)) A1, B, and D2 pt. in Land Bay VII-B. <b><i>(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)</i></b>
PCA 82-P-069-20 CDPA 82-P-069-01-1 FDPA 82-P-069-01-15	October 15, 2007  October 25, 2007*	VI-A	<sup>(49)</sup> Permitted the construction of 350,000 gross square feet of residential development (maximum 400 dwelling units), and provided specific proffers related to the proposed residential use on Tax Maps 45-4 ((1)) 25E1 pt. and 25E2 pt. in Land Bay VI-A. <b><i>(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)</i></b>

\*Date of Planning Commission Approval

1. On April 2, 1984, the Board of Supervisors approved RZ 82-P-069 to rezone 620 acres to the PDC District for Fair Lakes to permit a maximum of 5,078,000 square feet of non-residential uses, a minimum of 1,321 dwelling units with a maximum FAR (floor area ratio) of 0.25. FDP 82-P-069-01 was approved by the Planning Commission for portions of Land Bays V-A and VI for offices and multi-family, including a 107,000 square foot office building and surface parking lot on Tax Map 55-2 ((1)) 6.
2. On July 10, 1986, the Planning Commission approved FDP 82-P-069-08 for a seven story 175,000 square foot office building, parking garage and surface parking (Tax Map 55-2 ((1)) 6A and 8) and FDPA 82-P-069-01-4 to permit a slight adjustment in the parking areas and the location of the access road.
3. On March 6, 1986, the Planning Commission approved the FDP in the eastern portion of Land Bay VI-B located on the north side of Fair Lakes Parkway, west of West Ox Road. The FDP depicts 282 multi-family dwelling units located within 17 buildings and associated community recreation facilities.
4. On July 24, 1986, the Planning Commission approved FDP 82-P-069-06 (Tax Maps 55-2 ((1)) 3B, 7A, 7B, 9A pt., 14A pt., 14B1, 14B2, 14B3, and 18). The

development plan approved a maximum of 795,000 square feet consisting of two eight story office buildings at a maximum of 141,000 square feet each (located on the subject site for FDPA 82-P-069-06-8); one thirteen story hotel, a maximum of 220,000 square feet; two eight story office buildings at a maximum of 146,500 square feet each; and a health club at a maximum of 80,000 square feet.

5. On April 9, 1987, the Planning Commission approved FDP 82-P-069-11, concurrent with FDPA 82-P-069-06-1. The Planning Commission also approved FDPA 82-P-069-01-6 and FDPA 82-P-069-08-1. FDPA 82-P-069-11 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) approved surface parking in an area that had not been previously approved for development. FDPA 82-P-069-06-1 (Tax Maps 55-2 ((1)) 3B, 9A pt. 14A pt. 14B1, 14B2 and 14B3) permitted one 266,000 square foot twelve-story office building (located on the subject site), two ten story office buildings at 154,500 square feet each, an 80,000 square foot health club and a day care center. FDPA 82-P-069-06-1 and FDPA 82-P-069-08-1 amended the development plans to permit additional principal and secondary uses to be located within the previously approved office buildings with no change to the approved buildings.
6. On December 10, 1987, the Planning Commission approved FDP 82-P-069-12 and FDPA 82-P-069-06-2. FDPA 82-P-069-06-2 revised the final development plan for a 17.48 acre portion of Land Bay V-B of the Fair Lakes Development. Two office buildings, a restaurant, a portion of a health club and a parking deck were approved. FDP 82-P-069-12 consists of 3.80 acres located immediately to the west of FDPA 82-P-069-06-2 (this was the first FDP for this land area.) A portion of the health club, surface parking and an open space buffer which includes 2 stormwater management facilities are depicted on this development plan.
7. On July 16, 1987, the Planning Commission approved FDPA 82-P-069-10 to develop three office buildings in Land Bay V-A (Fair Lakes 3, 4, and 5) with associated surface parking.
8. On July 20, 1987, the Board of Supervisors approved RZ 86-P-004, concurrent with PCA 82-P-069-03 and CDPA 82-P-069-03 to rezone 37.5 acres to the PDC District and incorporate the area into Fair Lakes to permit a maximum of 5,350,200 square feet of non-residential uses and a minimum of 1,457 dwelling units (the maximum 0.25 FAR was not modified).
9. On June 30, 1988 the Planning Commission approved FDPA 82-P-069-9-1 to modify the parking and landscape buffer in Land Bay VII-B.
10. On July 1, 1988, the Board of Supervisors approved RZ 86-P-089 concurrent with PCA 82-P-069-04 to rezone two acres to the PDC District, incorporate the area into Fair Lakes to permit a maximum of 5,364,820 square feet of non-residential uses and a minimum of 1,464 dwelling units; the maximum 0.25 FAR was not modified.
11. On September 28, 1988, the Planning Commission approved FDPA 82-P-069-06-3 (Tax Maps 55-2 ((1)) 7A, 7B and 9A pt.) for 12.82 acres to permit minor reconfigurations and increase of the hotel from 220,000 square feet to 228,830 square feet.
12. On October 2, 1989, the Board of Supervisors approved PCA 82-P-069-05 to reallocate 300,000 square feet of office uses to retail uses for Land Bay IV. FDP 82-P-069-13 impacted Land Bays IV-A, IV-B and IV-C by permitting the construction of a 750,000 sq. ft. shopping mall known as the "Galleria"; 5 office structures containing approximately 690,000 sq. ft.; 2 drive-through banks; and 1 automotive service center.

13. On October 18, 1989, the Planning Commission approved FDPA 82-P-069-11-1 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) for 3.59 acres to modify the surface parking lot and FDPA 82-P-069-06-4 (Tax Maps 55-2 ((1)) 9A pt.) for 27.11 acres to permit one ten story, 262,000 square foot office building and two fourteen story office buildings at a maximum of 505,947 square feet (combined.)
14. On May 2, 1990, the Planning Commission approved FDPA 82-P-069-9-2 and FDPA 82-P-069-7-2 to expand the Retail Center by 5,000 square feet and permit the construction of a fast food Restaurant within the Center.
15. On December 5, 1990, the Planning Commission approved FDPA 82-P-069-13-1 concurrent with FDP 82-P-069-15 to permit 560 multi-family units on portions of Land Bays IV-C and IV-D.
16. On December 5, 1990, the Planning Commission approved FDPA 82-P-069-08-2 to permit a 4,000 square foot drive-in bank in lieu of existing parking spaces. The Planning Commission also approved FDPA 82-P-069-01-8 to modify the parking requirements for the office building to meet the requirements of the revised Zoning Ordinance.
17. On January 9, 1991, the Planning Commission approved FDPA 82-P-069-01-9 to incorporate an 8,000 sq. ft. child care center into the northern existing office building located in Land Bay VI-A, add a play area in the parking area to serve the child care center; modify the existing parking to reflect the new office parking standards; and to modify the loading area adjacent to the southern building.
18. On July 17, 1991, the Planning Commission approved FDPA 82-P-069-10-2 to modify parking requirements for Land Bay V-A (Parcels 11B and 11C) pursuant to Zoning Ordinance amendments.
19. On July 17, 1991, the Planning Commission approved FDPA 82-P-069-01-10 to permit an additional 60,000 square foot building in lieu of existing parking spaces. The Planning Commission also approved FDPA 82-P-069-08-3 to modify the parking lot; and no changes were proposed to the existing office and approved drive-in bank.
20. On October 28, 1991, the Board of Supervisors approved PCA 82-P-069-6 for Land Bays IV and V-B to increase retail uses by 200,000 square feet to a maximum of 1,100,000 square feet and decrease the minimum office uses by 504,820 square feet; however, the overall FAR for Fair Lakes was not modified. (The Planning Commission previously approved FDPA 82-P-069-013-02 for Land Bay IVB to reconfigure the layout and approve 737,000 square feet of retail uses.)
21. On April 29, 1992, the Planning Commission approved FDPA 82-P-069-13-3 which impacted Land Bay IV-A and the western 4.5 acre portion of Land Bay IV-B and resulted in the replacement of 424,000 sq. ft. of office uses with 259,500 sq. ft. of retail uses. The Planning Commission also approved FDPA 82-P-069-15-1 which impacted Land Bay IV-C by replacing total of 157 multifamily units were replaced with 111,000 sq. ft. of retail uses in two buildings.
22. On September 14, 1992, the Board of Supervisors approved SE 92-Y-006 to permit the establishment of a minimum of 4 fast food restaurants with one drive-through in a 16,000 sq. ft. building located on a 2.4 acre parcel of Land Bay IV-B of the Fair Lakes Retail Center. A revised plat was submitted shortly before the Planning Commission public hearing on which the amount of fast food uses increased from 8,000 to 13,000 sq. ft. (The advertising for the public hearing was for the originally submitted proposal of 8,000 sq. ft. rather than the revised proposal of 13,000 sq. ft., which invalidated the Board's approval of this application.)

23. On November 16, 1992, the Board of Supervisors approved SE 92-Y-038 to correct the advertising error in SE 92-Y-006.
24. On May 27, 1993, the Planning Commission approved FDPA 82-P-069-13-4 to amend the site layout for a 14.3 acre portion of Land Bay IV-B located on the southeast corner of the Fair Lakes Boulevard/Fair Lakes Parkway intersection; no change was made to the 115,000 sq. ft. of building area that was previously approved on this area.
25. On July 12, 1993, the Board of Supervisors approved SEA 92-Y-038 concurrent with FDPA 82-P-069-13-4 and amended SE 92-Y-038 to allow 2 freestanding fast food restaurants in Building 5 of the Fair Lakes Retail Center. The total square footage of the two restaurants was 10,000 sq. ft., with each restaurant containing a drive-through window.
26. On May 5, 1994, the Planning Commission approved FDPA 82-P-069-6-5, FDPA 82-P-069-11-2, FDPA 82-P-069-12-2, and FDPA 82-P-069-14-1 (Tax Maps 55-2 ((1)) 9A pt., 13, and 14A pt.) for 27.47 acres to modify the FDPs by eliminating the 40,000 square foot health club; adding a third office building; and increasing the total building area by 220,000 square feet. FDPA 82-P-069-11-2 approved the reconfiguration of a surface parking lot.
27. On July 12, 1995, the Board of Supervisors approved FDPA 82-P-069-9-4 (concurrent with FDPA 82-P-069-7-5 and SE 95-Y-016) to allow a freestanding drive-through restaurant on the site with retail shopping center, drive-in bank, service station/quick service food store and carwash.
28. On October 30, 1995, the Board of Supervisors approved PCA 82-P-069-08 and CDPA 82-P-069-6, which impacted Land Bay II (TRW site). These applications amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 sq. ft. of office uses to residential uses exclusive of affordable dwelling units and to convert 12,000 sq. ft. of office uses to eating establishments and fast food restaurant uses.
29. On October 10, 1996, the Planning Commission approved FDPA 82-P-069-013-05 for Land Bays IVA, IVB, and IVC to approve an 885,798 square foot retail center.
30. On May 28, 1997, the Planning Commission approved FDPA 82-P-069-013-06 and FDPA 82-P-069-15-5 for Land Bays IVA, IVB and IVC to reduce the square footage of the site from 885,798 square feet to 843,804 square feet and transferred 41,994 square feet of retail intensity to Land Bay VB-3 as part of FDPA 82-P-069-06-6 and FDPA 82-P-069-14-2.
31. On July 30, 1997, the Planning Commission approved FDPA 82-P-069-9-5 to expand a quick service food store and car wash.
32. On August 3, 1998, the Board of Supervisors approved PCA 82-P-069-09, and SEA 95-Y-035, which impacted Land Bay 2 (TRW site). These applications permitted up to 14,200 sq. ft. of eating establishment/fast food restaurant/personal service establishment uses within Land Bay 2 and permitted a personal service establishment use.
33. On January 27, 1999, the Planning Commission amended FDP 82-P-069-5 for Land Bay VI-B of Fair Lakes to permit construction of an additional 32-unit multi-family building in the southwestern corner of the site.

34. On July 9, 2001, the Board of Supervisors approved PCA 82-P-069-11 (with the Planning Commission having previously approved FDPA 82-P-069-013-08.) The applications converted 50,000 square feet of hotel use to retail uses for a maximum of 1,150,000 square feet of retail uses within Fair Lakes.
35. On October 24, 2001, the Planning Commission approved FDPA 82-P-069-013-07 for a 6,000 square foot retail pad site within Land Bay IV-B.
36. On July 21, 2001, the Planning Commission approved an additional 160,000 square foot office building and a 4-story parking structure in a portion of Land Bay V-A.
37. On January 12, 2005, the Planning Commission approved FDPA 82-P-069-9-7 to amend a portion of FDP 82-P-069-9, previously approved for a retail shopping center, to permit building additions, an increase in parking, and site modifications to the Shops at Fair Lakes. This application also increased the gross floor area of the retail center by 3,350 square feet to a maximum of 18,874 gross square feet. The floor area of the retail center increased from 0.12 to 0.15.
38. On January 26, 2005, the Planning Commission approved FDPA 82-P-069-06-7 and FDPA 82-P-069-14-4 to remove a 200,000 square foot office building and four level parking deck and approved a 10,880 square foot retail pad site and an 11,500 square foot addition to an approved retail store. The approvals resulted in a reduction of intensity of 177,620 square feet. That office intensity is proposed to be used for office and residential development proposed by FDPA 82-P-069-06-8 and FDPA 82-P-069-11-03.
39. On February 3, 2005, the Planning Commission approved an amendment to the Final Development Plan (FDP) for retail (BJ's Wholesale Club) in Fair Lakes Center in Land Bay IV-B to permit the addition of an accessory service station with four pumps (eight pumping stations) and surface parking spaces.
40. On July 25, 2005, the Board of Supervisors approved CDPA 82-P-069-07, FDPA 82-P-069-06-08 and FDPA 82-P-069-11-03, concurrent with PCA 82-P-069-14, FDPA 82-P-069-01-13 and FDPA 82-P-069-08-04 to permit the addition of residential uses in Land Bay V-B; to amend the Final Development Plans to provide a 150,000 square foot multi-family building, 113,000 square foot office building and a four level parking garage; to amend the proffers for a portion of Fair Lakes to permit a reduction in the minimum office intensity and provide specific proffers related to the proposed residential uses in Land Bay V-B; and to amend the Final Development Plans to delete a previously approved but not constructed 60,000 square foot office building and 4,000 square foot drive-in bank and allow the existing surface parking to remain.
41. On October 4, 2006, the Planning Commission amended the previously approved FDP in Land Bay VI-B of Fair Lakes for multi-family development to permit a change in residential unit type to 13 townhouses.
42. On March 1, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6 on 7.68 acres (Tax Map 55-2 ((1) 7A & 7B) to build a one story 7,500 square foot ballroom addition on the northeast side of the existing 13-story Hyatt building and to relocate the drop-off area from the east side to the north side of the existing hotel building.
43. On May 2, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6, FDP 82-P-069-11, and FDPA 82-P-069-12 previously approved as an office development to permit an expansion of an existing parking structure, and the construction of an additional parking structure above an existing surface parking lot.

44. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-15 and CDPA 82-P-069-07-01 ( concurrent FDPA 82-P-069-11-5 and FDPA 82-P-069-06-11 were approved by Planning Commission on October 4, 2007) to amend to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 267,000 gross square feet of office development and to provide specific proffers related to the proposed office use in Land Bay V-A. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***
45. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-16, and CDPA 82-P-069-07-01 (concurrent FDPA 82-P-069-11-5 and FDPA 82-P-069-06-11 were approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan, and the Final Development Plans for a portion of Fair Lakes to permit the construction of 213,000 gross square feet of office development (including 113,000 square feet of previously approved office use) and to provide specific proffers related to the proposed office use in Land Bay V-B. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***
46. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-17 and CDPA 82-P-069-03-03 (concurrent FDPA 82-P-069-08-05 was approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 300,000 gross square feet of residential development (maximum 350 dwelling units), to expand an existing parking garage, and to provide specific proffers related to the proposed residential use in Land Bay V-A. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***
47. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-18, and CDPA 82-P-069-05-1 (concurrent FDPA 82-P-069-13-10 was approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan and the Final Development Plan for a portion of Fair Lakes to permit the construction of 125,000 gross square feet of retail use and 112,000 gross square feet of office use, and to provide specific proffers for the proposed uses in Land Bay IV-A. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***
48. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-19, and CDPA 82-P-069-03-02 (concurrent FDPA 82-P-069-09-08 was approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan and the Final Development Plan for a portion of Fair Lakes to permit the construction of 110,000 gross square feet of hotel and support retail uses, and to provide specific proffers for the proposed uses in Land Bay VII-B. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***
49. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-20 and CDPA 82-P-069-01-1 (concurrent FDPA 82-P-069-01-15 was approved on October 25, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 350,000 gross square feet of residential development (maximum 400 dwelling units), and to provide specific proffers related to the proposed residential use in Land Bay VI-A. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***



FAIR LAKES REZONING TABULATION FOR 2007 ADDITIONAL DENSITY  
AS OF SEPTEMBER 16, 2011

Prepared by: KJB  
9/20/2011 2:46 PM

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DESCRIPTION	FDP #	APPRL DATE	SIZE ACRES	OFFICE SQ FT	HOTEL SQ FT	RETAIL SQ FT	TOTAL NON-RES. SQ FT	RES. DU'S	RES. SQ. FT.	TOTAL COMBINED SQ FT
<b>Approved FDP's:</b>										
Land Bay IV-A Fair Lakes Ctr	FDPA 82-P-069-13-10		13.96	112,000		125,000	237,000			237,000
Land Bay V-A Office	FDPA 82-P-969-10-4		27.43	267,000			267,000			267,000
	FDPA 82-P-069-1-14						-			-
Land Bay V-A Residential	FDPA 82-P-069-8-5		8.37					350	300,000	300,000
Land Bay V-B Hyatt Office	FDPA 82-P-069-11-5		11.71	100,000			100,000			100,000
	FDPA 82-P-069-6-11						-			-
Land Bay VI-A Courts Residential	FDPA 82-P-069-1-15		10.65					400	350,000	350,000
Land Bay VII-B Shops / Hotel	FDPA 82-P-069-9-8		4.7		105,000	5,000	110,000			110,000
<b>SUB-TOTAL</b>	<b>APPROVED FDP's</b>		<b>76.82</b>	<b>479,000</b>	<b>105,000</b>	<b>130,000</b>	<b>714,000</b>	<b>750</b>	<b>650,000</b>	<b>1,364,000</b>
<b>TOTAL</b>			<b>77</b>	<b>479,000</b>	<b>105,000</b>	<b>130,000</b>	<b>714,000</b>	<b>750</b>	<b>650,000</b>	<b>1,364,000</b>
<b>% OF TOTAL MAX</b>				<b>35.12%</b>	<b>7.70%</b>	<b>9.53%</b>	<b>52.35%</b>		<b>47.65%</b>	<b>100.00%</b>

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# FAIRFAX COUNTY

## APPENDIX 6

### OFFICE OF THE BOARD OF SUPERVISORS

12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

September 16, 1998

Susan K. Yantis, Land-Use Coordinator  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Thirteenth Floor  
Arlington, Virginia 22201-3359

RE: Proffered Condition Amendment  
Number PCA 82-P-069-9  
(\*AMENDED - LETTER ONLY)  
(Concurrent with SEA 95-Y-033)

Dear Ms. Yantis:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 3, 1998, approving Proffered Condition Amendment PCA 82-P-069-9 in the name of Meridian/Fair Lakes LLC, subject to the proffers dated July 27, 1998, on subject parcels 55-1 ((1)) 33; 55-2 ((1)) 19, 21; and 45-4 ((11)) 1A, 1B, 1C (Formerly 55-2 ((1)) 16; 45-4 ((1)) 30B; and 45-4 ((11)) 1A, 1B, 1C) consisting of approximately 65.06 acres in Sully District.

\*The Conceptual Development Plan was approved; the Planning Commission having previously approved FDPA 82-P-069-2-2 on July 29, 1998, subject to development conditions dated July 28, 1998; and subject to the Board of Supervisors' approval of PCA 82-P-069-9 and SEA 95-Y-033.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

## PROFFERS

PCA 82-P-069-9

July 27, 1998

The proffers are hereby provided pursuant to Section 15.2-2303(A) Code of Virginia 1950, as amended, and subject to the Board of Supervisors approving the request for a Proffered Condition Amendment for property identified as Tax Map 45-4 ((11)) 1A, 1B and 1C; 55-1 ((1)) 33 and 55-2 ((1)) 19, 21 (the "Property"). The proffers are hereby made by Meridian/Fair Lakes LLC, its successors and assigns (hereinafter collectively referred to as the "Applicant"). If accepted, these proffers shall amend and supplement the proffers affecting the property, including those approved by the Board of Supervisors on April 2, 1984, September 24, 1984, and October 18, 1995 (the "Previous Proffers"). All of the Previous Proffers remain in full force and effect except as amended hereby.

1. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in substantial conformance with the Conceptual Development Plan Amendment (CDPA) prepared by Land Design Inc. dated March 25, 1998 and revised through June 9, 1998.
2. Paragraph 2 of the proffer under the Land Use dated October 18, 1995, shall be revised to read as follows:

Allocation of land uses as provided in the text accompanying the Conceptual Development Plan Amendment is affirmed as follows:

No more than 7,182,823 square feet of principal and secondary uses shall be constructed on subject property. Non-residential uses shall not exceed 5,364,820 square feet. However, up to 607,215 square feet in Land Bay II may be converted from non-residential to residential uses exclusive of ADU's and up to 14,200 square feet may be converted to eating establishments/fast food restaurant/personal service establishment uses in Land Bay II. Residential units shall not be fewer than 1,464.

The specific uses to be provided in the first phase of development are depicted in FDPs submitted for Land Bays I-A, I-B, V-A, VI-A and VI-B. Land Bay II shall be approximately 120 acres, and shall be developed in 1,463,616 square feet of employment, residential and eating establishment/fast food restaurant uses specified in the CDPA for Land Bays II-A and II-B. The residential square footage in Land Bay II shall not exceed 607,215 square feet which shall be exclusive of the square footage for affordable dwelling units. In addition, the residential square footage in Land Bay II shall not be counted towards, i.e., shall be deemed in its entirety to be in excess of, the fifty (50) percent limitation for residential use in the Fair Lakes PDC District as specified in Par. 5 of Sect. 6-206 of the Zoning Ordinance as well as the

PROFFERS  
PCA 82-P-069-9

2:1 ratio of primary to residential uses recommended for office-mixed use areas in the Fairfax Center Area. The residential use in the remainder of Fair Lakes may be developed up to the fifty (50) percent (based upon the principal, non-residential uses in all of Fair Lakes) limitation in accordance with Par. 5 of Sect. 6-206 of the Zoning Ordinance except to the extent further modified by the Board of Supervisors in a subsequent PCA application.

A mix of principal and secondary uses shall be distributed over the remainder of the site, with other retail, hotel and other residential uses to be located in Land Bays III, IV and V. The aggregate non-residential square footage shall not exceed 5,364,820 square feet, of which 200,000 to 800,000 square feet shall be allocated to hotel use, 200,000 to 1,100,000 square feet, exclusive of any eating establishment/fast food restaurant/personal service establishment uses in Land Bay II, to uses such as retail uses, accessory service uses, retail sales establishments, child care centers, eating establishments, financial institutions, health clubs, theaters, service stations, car washes and other principal and secondary PDC uses that are neither residential, hotel or office/research in character, and 2,960,000 to 4,964,820 square feet (less any conversion of non-residential to residential and/or eating establishment/fast food restaurant/personal service establishment uses in Land Bay II) to office, research and other non-retail uses. Specific uses shall be designated at the time the FDPs are submitted. For purposes of this proffer, the designation of a building as office or other employment use shall be construed to permit inclusion of fast food (e.g., delicatessen), financial institution, and other such accessory and personal service uses on the ground and/or first floor level of such building, it being understood that the details of any drive-through and/or child care uses must be the subject of final development plan or special exception approval.

[SIGNATURE PAGES BEGIN ON FOLLOWING PAGE]

PROFFERS  
PCA 82-P-069-9

APPLICANT/TITLE OWNER OF TAX MAP 45-4 ((11)) 1B  
MERIDIAN/FAIR LAKES LLC

By: Meridian Investment Limited Partnership, its  
Member

By: D.C. Inc., its general partner

By: G. David Cheek

Name: G. David Cheek

Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

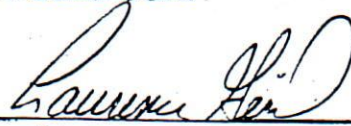
PROFFERS

PCA 82-P-069-9

TITLE OWNER OF TAX MAP 45-5 ((11)) 1A

TACO BELL CORP.

By:



Name: Laurence Gerich

Its: Assistant Secretary

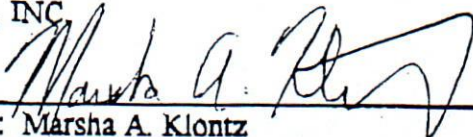
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**PROFFERS**  
**PCA 82-P-069-9**

**TITLE OWNER OF TAX MAP 55-2 ((1)) 19, 21, and  
55-1 ((1)) 33**

**TRW, INC.**

**By:**

  
**Name: Marsha A. Klontz**

**Its: Assistant Secretary and Vice President**

**[SIGNATURES CONTINUE ON NEXT PAGE]**

PROFFERS  
PCA 82-P-069-9

TITLE OWNER OF TAX MAP 45-4 ((11)) IC

ROCKS FAIR LAKES LC

By: 

Name: Samuel A. Rocks

Its: Managing Member

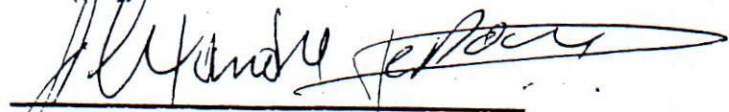
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PROFFERS

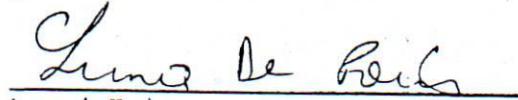
PCA 82-P-069-9

CONTRACT PURCHASER OF TAX MAP

45-4 ((11)) 1B



Alexandre K. de Paris



Luna de Paris

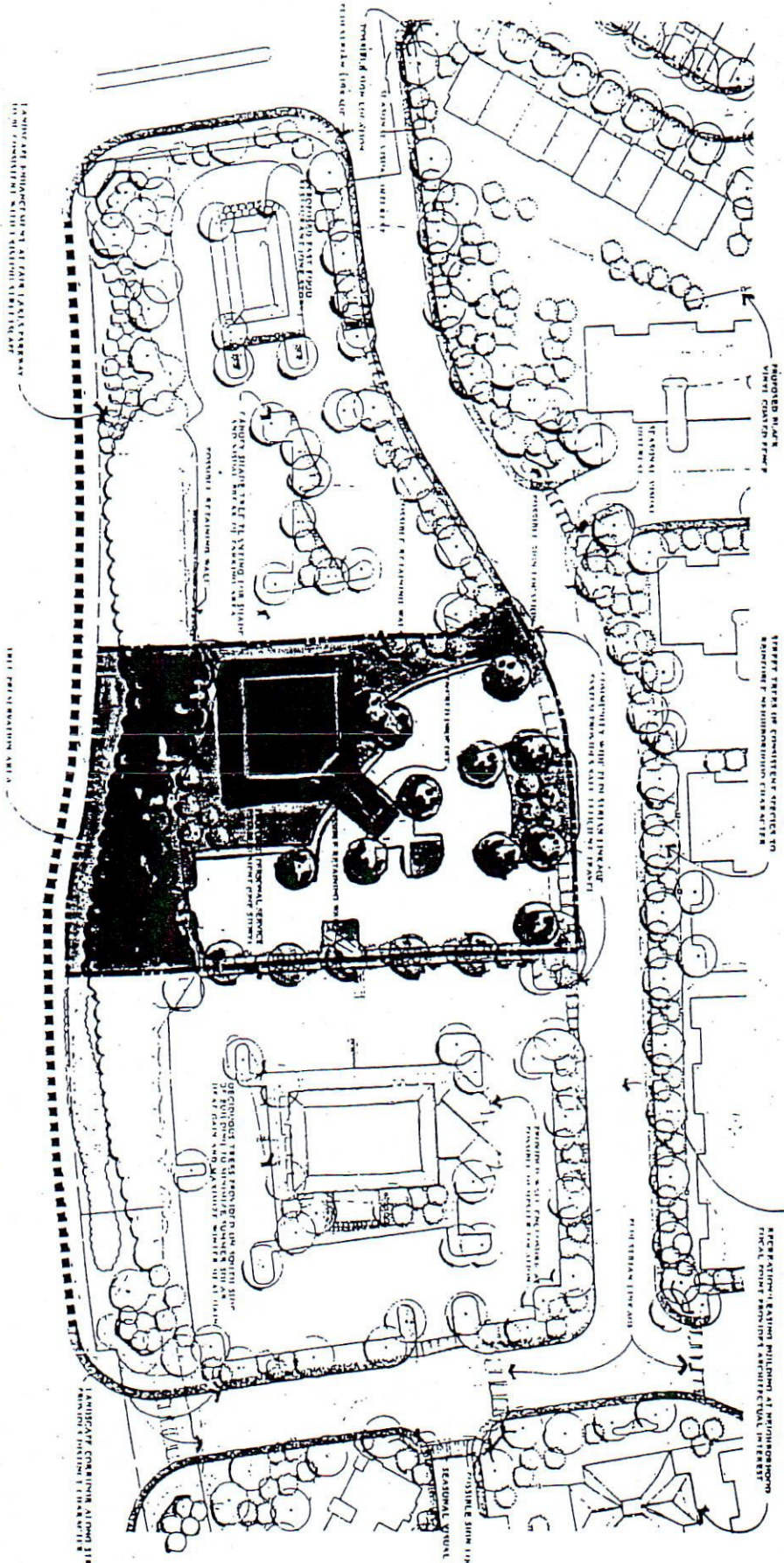
DESIGN AND LAYOUT OF THE FAIR LAKES PARK AND LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.



FAIR LAKES  
LAND RAY 2  
SULLY DISTRICT

PERSONAL SERVICE  
ESTABLISHMENT  
DETAIL CONCEPT PLAN

FAIR LAKES  
LAND RAY 2  
SULLY DISTRICT

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.

LANDSCAPE ARCHITECTURE FIRM'S OFFICE AND A CONTEMPORARY LIVING AREA.





# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

September 9, 1998

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

Susan K. Yantis, Land-Use Coordinator  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley  
2200 Clarendon Boulevard  
Thirteenth Floor  
Arlington, Virginia 22201-3359

RE: Special Exception Amendment  
Number SEA 95-Y-033  
(Concurrent with PCA 82-P-069-9)

Dear Ms. Yantis:

At a regular meeting of the Board of Supervisors held on August 3, 1998, the Board approved Special Exception Amendment Number SEA 95-Y-033 in the name of Meridian/Fair Lakes LLC, located at Tax Map 45-4 ((11)) 1A and 1B to permit deletion of land area of Lot 1B and to delete one fast food restaurant Section 6-205 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous conditions on the subject property. An asterisk denotes conditions carried forward from SE 95-Y-033:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.\*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Public Works and Environmental Services (DPW&ES). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat "Fair Lakes Land Bay 2 Part", prepared by Land Design Inc. (Sheets 1-4) and The Georgetown Design Group, Inc. (Sheet 5), and dated March 20, 1998 (Sheet 1), March 26, 1998 (Sheet 2), March 23, 1998 (Sheet 3), March 23, 1998 as revised through June 23, 1998 (Sheet 4), June 19, 1998 (Sheet 5) and these conditions.

4. As determined by the Urban Forester, a consistent landscaping design theme shall be utilized for the fast food restaurant, the personal service establishment and the adjacent eating establishment in order to create a visually unified development. At a minimum, the landscaping shall be similar in quantity and quality to that provided on the Fair Lakes retail center located on the south side of Fair Lakes Parkway and to the proposed landscaping depicted on Sheet 4 of the Final Development Plan Amendment/Special Exception (FDPA/SE) Plat.\*
5. Trash dumpsters shall be screened with masonry enclosures and landscaping. Loading areas shall be screened with landscaping or fencing, or a combination thereof.\*
6. The building shall be designed to create the appearance of a unified and coordinated development and shall be compatible in terms of architecture, style, scale and color. This unified development shall be accomplished through the use of building materials, landscaping or other similar design features and the following: \*
  - A) Building materials shall be limited to face brick or architectural pre-cast concrete, stone, exterior insulation and finish systems, and reflective and non-reflective glass.
  - B) Rooftop mechanical equipment shall be screened from ground level view through the placement of the equipment on the roof and/or the incorporation of parapet walls.
  - C) The buildings shall contain front elevation materials and treatments on all sides of the building.
  - D) The same color and style of trash receptacles and benches shall be provided for the personal service establishment as provided for the neighboring restaurant uses.
7. The proposed building materials and landscaping for the freestanding fast food restaurant shall be compatible with the existing retail center located across Fair Lakes Parkway as determined by the Architectural Review Board of Fair Lakes League.\*

8. Signage shall be provided in accordance with the Comprehensive Sign Plan for Fair Lakes, as may be amended, and shall be compatible with the existing adjacent commercial uses and the existing retail center signage located on the south side of Fair Lakes Parkway. No pole mounted signage shall be permitted. All signage shall be either building mounted or monument signs.\*
9. The maximum number of seats for the fast food restaurant with a drive-through window shall not exceed 70.\*
10. The maximum hours of operation for the fast food restaurant with a drive-through window shall be limited to:

Sunday - Wednesday, 9:00 a.m. to 11:00 p.m.

Thursday - Saturday, 9:00 a.m. to 12:00 midnight\*

The speaker phone for the drive-through window shall be turned off at 10:00 p.m., seven days a week.

11. The hours of trash pick up and deliveries shall be limited to between the hours of 9:00 am and 9:00 pm.\*
12. Parking lot lighting and/or security lighting shall be shielded and directed away from off-site properties to minimize off-site glare.\*
13. In order to minimize the adverse impact of cooking odors on the adjacent residences, all food preparation facilities shall utilize a ventilation system equipped with filters which are regularly maintained.\*
14. The applicant/operators shall not allow the discharge of air contaminants generated by the restaurants or their solid waste which cause reasonable objectionable odors to the nearby residences and shall employ, but not be limited to, the following control measures:
  - a. All "putrescible" material as defined by the Fairfax County Code Section 109-1-1, shall be stored in sealed containers which are reserved exclusively for use by the restaurants. Such putrescible material shall not be shredded or unsealed.

September 9, 1998

4.

- b. All putrescible materials shall be removed by a commercial refuse hauler from the subject property at a minimum of twice a week.

These regulations shall be in addition to any other performance standard regulations, ordinances or restrictions provided by the law.\*

15. The decibel level of the speaker phone for the drive-through window shall measure no more than 45 decibels at the property line abutting the proposed residential units.\*
16. The fast food restaurant owner/operation shall be responsible for the daily removal of litter. On a daily basis, the vicinity of the fast food restaurant shall be inspected and any loose trash shall be picked up and placed in dumpsters.\*

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, DPZ  
Audrey Clark, Chief, Inspection Svcs., BPRB, DPW&ES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Public Works and Environmental Services  
Department of Highways, VDOT  
Land Acq. & Planning Div., Park Authority  
District Supervisor

RECEIVED  
DEPARTMENT OF PLANNING AND ZONING  
SEP 14 1998  
ZONING EVALUATION DIVISION

SHEET NO. 1 OF 1  
 PROJECT/FILE NO. 20001  
 SCALE 1" = 20'  
 DATE 10/1/00  
 DCA

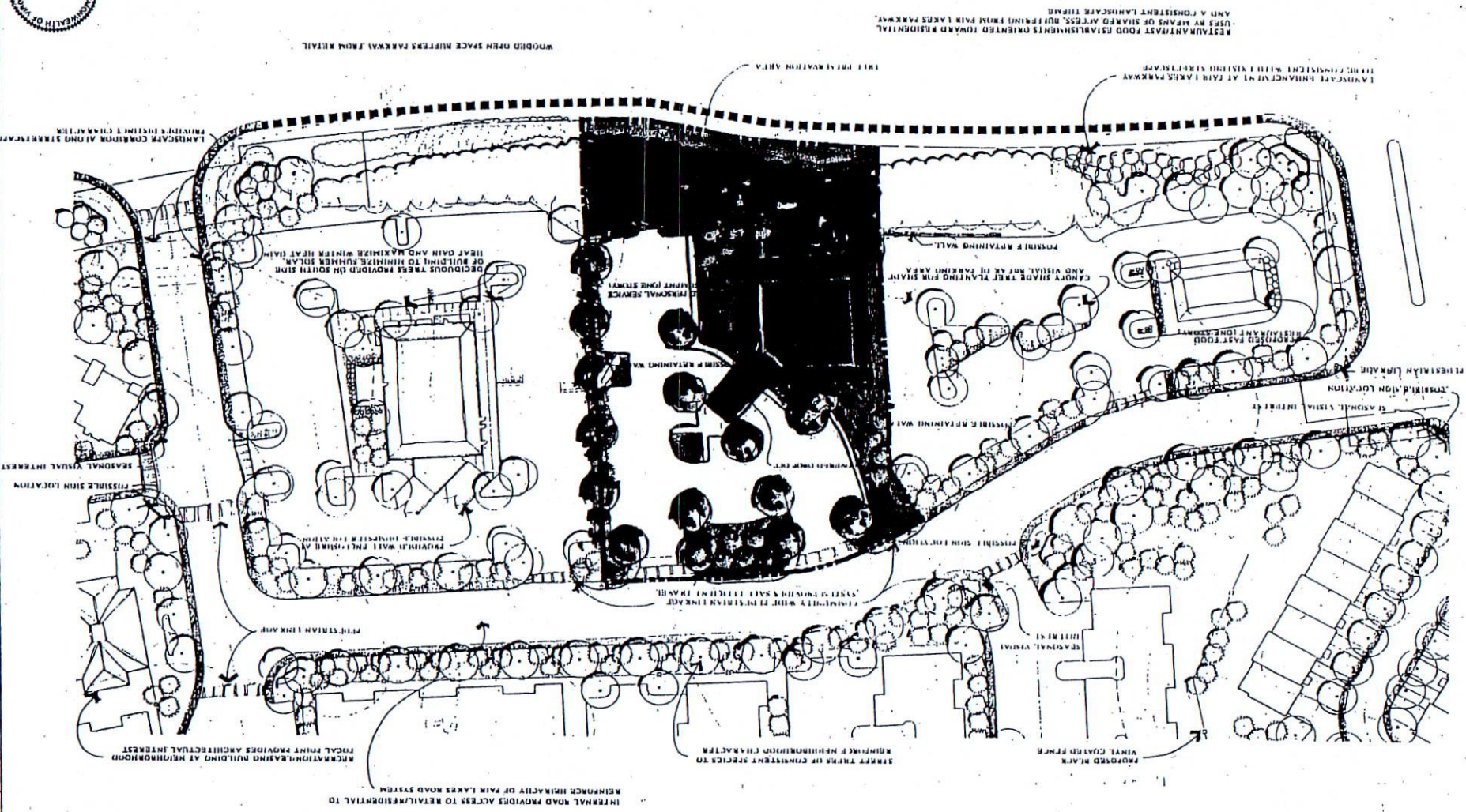


REVISIONS  
 1. LAMINATE CONCRETE ALONG STREETFRONT  
 2. PROVIDE SIGNAGE & CHAIRS

PERSONAL SERVICE  
 ESTABLISHMENT  
 RETAIL CONCEPT PLAN

FAIR LAKES  
 LAND LAY 2  
 SULLY DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

Land Design Inc.  
 10000 Lee Highway  
 Suite 100  
 Fairfax, VA 22031  
 (703) 261-1000  
 www.landdesigninc.com



RESTAURANT/FAST FOOD ESTABLISHMENT ORIENTED TOWARD FAIR LAKES RESIDENTIAL  
 USES BY MEANS OF SHARED ACCESS, BUT REMAINS SEPARATE FROM FAIR LAKES PARKWAY  
 AND A CONSISTENT LAMINATE THROUGH

LAVATORY BUILDING AT FAIR LAKES PARKWAY  
 THE CONSISTENT WITH VISUAL STREETFRONT

POSSIBLE RETAINING WALL  
 CANOPY SHADE TREES PLANTING FOR SHADE  
 AND VISUAL BREAK IN PARKING AREA

DECIDUOUS TREES PROVIDED ON SOUTH SIDE  
 OF BUILDING TO MINIMIZE SUMMER SOLAR  
 HEAT GAIN AND MAXIMIZE WINTER HEAT GAIN

PERSONAL SERVICE  
 ESTABLISHMENT

POSSIBLE RETAINING WALL

FUTURE VISUAL LINKAGE  
 SYSTEM PROVIDES A SILENT LINKAGE

RECREATION/LEASING BUILDING AT NEIGHBORHOOD  
 FOCAL POINT PROVIDES ARCHITECTURAL INTEREST

STREET TREES OF CONSISTENT CHARACTER  
 REINFORCE NEIGHBORHOOD CHARACTER

INTERNAL ROAD PROVIDES ACCESS TO RETAIL/RESIDENTIAL TO  
 REINFORCE IMITATION OF FAIR LAKES ROAD SYSTEM

PROPOSED PLAZA  
 VINYL COVERED FENCE





## County of Fairfax, Virginia

**MEMORANDUM**

DATE: March 22, 2012

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PGN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** **Land Use Analysis & Environmental Assessment:** FDPA 82-P-069-01-16  
Fair Lakes – Chick-Fil-A

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan dated February 28, 2012. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

**DESCRIPTION OF THE APPLICATION**

The applicant, Chick-Fil-A, Inc., is requesting approval of a Final Development Plan Amendment (FDPA) to permit the replacement of the previously approved development of a 5,673 square foot eating establishment with a 4,569 square foot fast food restaurant with drive-through. The subject property contains approximately 1.75 acres of land. The existing structure would be removed. Additional screening and landscaping is proposed for the new use. The applicant is proposing 61 parking spaces where the Zoning Ordinance requires only 23.

**LOCATION AND CHARACTER OF THE AREA**

The property is located on the north side of Fair Lakes Parkway and west of the Fairfax County Parkway at the intersection of Fair Knoll Drive and Federal Systems Park Drive. All of the surrounding properties are zoned PDC. However, properties to the west and south contain commercial uses while properties immediately east and north of the subject property are developed with multi-family residential development.

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

Fairfax County Comprehensive Plan, 2011 Edition, Area III, Fairfax Center Area, Land Unit Recommendations, Land Unit G, as amended through March 6, 2012, pages 61-62:

### **“Land Unit G**

#### Land Use

This land unit is planned for office mixed-use with housing as a major secondary land use. Office development that incorporates architectural excellence, preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that must be achieved to justify the overlay level. Primary office building concentration should be oriented toward I-66 and the Fairfax County Parkway. Residential development should also incorporate high-quality design features including active recreation facilities, open space, and landscaping including street trees, site and building entry landscaping, and screening of community facilities. Impacts on existing residential neighborhoods must be mitigated through buffering and compatible land uses.

The following options exist for development above the planned and approved .25 FAR overlay level. Densities and uses specified in these options are only appropriate for the sites described. These uses and densities are not to be transferred to other locations within the Fairfax Center Area.

As an option at the overlay level, the area at the southeast corner of Shoppes Lane and Fair Lakes Circle may be appropriate for up to 110,000 SF of office use or hotel use, including up to 5,000 SF of support retail, if the following conditions are met:

- Provision of adequate pedestrian connections to the Fair Lakes Shopping Center to the south and the provision of a trail along Shoppes Lane;
- Substantial buffering and screening of any redevelopment from the Fairfax County Parkway; and
- Development should be limited, to the extent possible, to the redevelopment of the existing structure and parking area. Any new development should minimize the loss of mature trees located in existing buffer areas along public roads.

As an option at the overlay level, development of the northeastern portion of the Fair Lakes Shopping Center, which is generally bounded by Fair Lakes Parkway, Fair Lakes Circle and the Fairfax County Parkway, (specifically Tax Map Parcels 55-2((4))12, 19, and 26A), may be appropriate for up to 140,000 SF of retail use and up to 120,000 SF of office use if the following conditions are met:

- Any additional retail and/or office use, and related parking, should be built on the surface parking lots or in place of existing buildings;
- A pedestrian-oriented environment should be created with any new development. All building facades should be designed in a way to encourage pedestrian activity. Parking

should be provided in structures which should be wrapped, to the extent possible, with non-residential uses on the ground floor to encourage an active, walkable environment. Sidewalks should safely connect the development with the surrounding uses. Pedestrian connections should include attractive pavement treatments, safe crossings, and appropriate landscape features;

- Any additional retail and/or office use should be part of an integrated, pedestrian-oriented development; pad sites and drive-through uses are not appropriate;
- Outdoor seating, urban parks or plazas, and extensive landscaping should be provided in any new development;
- Design of the development should provide for the integration with the surrounding large-scale and stand-alone retail uses;
- Improvements are provided to address transportation impacts on internal roadway circulation patterns as well as on access to the shopping center; and
- Vehicular and pedestrian circulation should be well integrated with existing retail uses, including convenient bus access.”

## Environment

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, on pages 19-21, the Plan states:

**“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.

- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses."

## **COMPREHENSIVE PLAN MAP: Office Mixed Use**

### **LAND USE ANALYSIS**

The Comprehensive Plan recognizes the existing character of the subject property and the surrounding area as a mixture of residential retail and office uses. The subject property was approved for a restaurant. The proposed use as a fast food restaurant with a drive through will result in a reduction in impervious surface and an increase in landscaping and screening for portions of the property. The applicant is proposing an FAR of 0.068, which is below the

FAR recommended by the Comprehensive Plan of 0.25. The applicant has also agreed to certain green building measure, including certification by the United States Green Building Council (USGBC). Staff feels that the proposed development is in conformance with the recommendations of the Comprehensive Plan.

## **ENVIRONMENTAL ANALYSIS**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities.

### **Green Building Commitment**

The applicant has agreed to attain LEED certification for the new fast food restaurant through the green building program set forth by the USGBC's LEED-NC practices. As part of this commitment the applicant has agreed to post a green building escrow, to include a LEED-AP in its design team, and to designate one County staff to its LEED online team so that staff may monitor the progress of the project. Thus, staff concludes that the applicant's green building commitment is consistent with the green building policy of the Comprehensive Plan.

PGN: JRB



## County of Fairfax, Virginia

**MEMORANDUM**

March 14, 2012

**TO:** Mr. William J. O'Donnell Jr. AICP, Planner II  
Zoning Evaluation Division, DPZ

**FROM:** Hugh Whitehead, Urban Forester II *HW*  
Forest Conservation Branch, DPWES

**SUBJECT:** Fair Lakes, Land Bay 2- Chick-fil-A, FDPA 82-P-069-01-016

**RE:** Forest Conservation Branch comments requested March 6, 2012

I have reviewed the above referenced Final Development Plan Amendment and Statement of Justification, stamped as received by the Zoning Evaluation Division on February 29, 2012. The following comments and recommendations are based on this review and a site visit conducted on February 14, 2012.

1. **Comment:** A Water Authority easement and a storm sewer exist in the area of the landscape island that separates the two ingress/egress points. These utilities could significantly restrict planting within this area, further diminishing the opportunity for screening along the northern boundary of the site.

**Recommendation:** The Applicant should remove the eastern egress point and consider making the entrance on the west side both ingress and egress.

If there are any questions, please contact me at (703)324-1770.

HCW/  
UFMID #: 167440

cc: RA File  
DPZ File





## County of Fairfax, Virginia

**MEMORANDUM**

DATE: March 5, 2012

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

**FILE:** 3-4 (RZ 82-P-069)

**SUBJECT:** Transportation Impact

**REFERENCE:** FDPA 82-P-069-01-16, Chick-Fil-A, Inc.  
4516 Fair Knoll Drive, Fair Lakes, VA  
Traffic Zone: 1685  
Land Identification Map: 45-4 ((11)) 1C

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plans made available to this office dated December 15, 2011. The applicant proposes to amend the approved development conditions to replace the existing eating establishment with a 4,569 square foot Chick-Fil-A fast food restaurant with drive-thru.

If the applicant requires two access points, one in and one out, the western entrance should be made narrower for one vehicle at a time to enter and not as now shown wide enough for two. One-way traffic would be reinforced if the parking were to be angled and large directional arrows provided on the pavement.

AKR/LAH/lah



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY  
COMMISSIONER

4975 Alliance Drive  
Fairfax, VA 22030

March 23, 2012

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Kevin Nelson  
Virginia Department of Transportation – Land Development Section

**Subject:** FDPA 1982-P-069-01-16 Chick-Fil-A, Inc.  
Tax Map # 45-4((06))0001C

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan submitted on November 1, 2011, and received on January 20, 2012. The following comments are offered:

1. *Pedestrian facilities should be provided along the Fair Lakes Parkway frontage.* There is a sheltered bus stop adjacent to the proposed site and another bus stop at the western entrance from Fair Lakes Parkway. There is obvious pedestrian use in this area and facilities should be provided. A sidewalk between Fair Lakes Circle and Fair Knoll Drive would be used regardless of whether or not there are pedestrian facilities east and west of this area. A sidewalk from the bus stop up to the parking lot of the Chick-Fil-A should also be considered. It is very likely some employees of the restaurant will use the bus service.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver  
fairfaxrezoning1982-P-069-01-16fdpa2ChickFilA3-23-12BB

**Article 6****PART 2 6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT****6-201 Purpose and Intent**

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of this Ordinance. To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

**Article 16****PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

## **16-102 Design Standards**

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		